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General Assembly

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Human Rights Council
Thirtieth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the International Federation of University Women, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15129(E)

Please recycle

Promoting equal access to quality secondary, tertiary and continuing education for indigenous girls and women

The International Federation of University Women (IFUW)

The International Federation of University Women (IFUW) founded in 1919, is the leading girls' and women's global non-governmental organisation advocating for women's rights, equality and empowerment through access to lifelong, quality education and training up to the highest levels. IFUW promotes education across four key areas: secondary education; tertiary education; continuing education; and non-traditional education.

The Background

The Human Rights Council has repeatedly promoted the right to education, beginning with the 2008 Resolution 8/4 and several follow-up resolutions on education including Resolutions 11/6 15/4 and 17/3, including the Sustainable Development Goal 4 (SDG 4). IFUW would particularly like to draw attention to SDG 4.5: "By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations". Indigenous peoples' specific educational rights, including their right to establish and control their own education systems and to provide education in their own languages, have been supported by, for example , ILO Convention No. 169 on Indigenous and Tribal Peoples (1989), the Convention on the Rights of the Child (CRC) (1989) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP, 2007), and confirmed, among others, by the Lima Declaration of the World Conference of Indigenous Women (2013) and the Outcome Document from the World Conference on Indigenous Peoples (2013) . IFUW seeks to support indigenous peoples to deliver such programmes as far as possible, with a special emphasis on removing the obstacles to girls and women attending secondary and tertiary education.

The issues confronting indigenous girls and women in education

While education is widely recognised as a universal human right, indigenous girls and women continue to face difficulties in regard to education on a number of levels, both as women and as indigenous people. Indigenous women throughout the world are among the most marginalised groups of society, facing multiple counts of discrimination on the basis of sex, ethnicity, language and culture. The education gap between indigenous peoples and mainstream populations remains critical: rates of enrolment, retention, completion of and performance at primary school level are significantly lower and gender disparities are often further pronounced, preventing full access to secondary school. Indigenous educational deficits range from generalised exclusion to limited access to the upper levels of primary and secondary education, with admittance to higher education still being the exception. In terms of accessing secondary and tertiary education, minority girls and women face the greatest challenges. Despite widespread global recognition of the right to education, the international community as a whole is not on track to ensure the undisputed inclusion of indigenous girls and women. IFUW agrees strongly with the Expert Mechanism Advice Rights of Indigenous Peoples that without access to quality education, indigenous communities will not be able to fully enjoy their rights: "Deprivation of access to quality education is a major factor contributing to social marginalisation, poverty and dispossession of indigenous peoples". [1]

Indigenous peoples' acute educational marginalisation is closely connected to a number of interlinking factors, such as poverty (child labour), ethnicity (social stigma and institutionalised discrimination), language barriers, gender-based discrimination, traditional practices (including early marriage), and a lack of access to basic services due to their

[1] The Expert Mechanism Advice No. 1 (2009) on the right of indigenous peoples to education is annexed to the Study on lessons learned and challenges to achieve the implementation of the right of indigenous peoples to education (A/HRC/12/33).

geographical isolation. In terms of accessing education, minority girls and women face the greatest challenges. The major shortcoming is that formal school systems rarely reflect the realities of indigenous livelihoods or traditional educational systems: many indigenous peoples have come to see formal school education as a way of assimilating them into mainstream society and eradicating their cultures, languages and ways of life. When indigenous school children are introduced only to the national discourse at the expense of their native discourse, they are in danger of losing part of their identity and heritage.

Factors affecting indigenous girls and women's access to education

- Formal school education is provided in the national language, and the languages of indigenous peoples - as well as the traditional knowledge and skills of indigenous women - are ignored or devalued. Lack of respect and resources cause a critical information gap.
- Most non-indigenous teachers are not prepared to teach in indigenous communities due to lack of cultural training and understanding of indigenous peoples' values and ways of life, creating further difficulties and dangers for girls in travelling to access education.
- The practical and logistical elements of education present barriers to access: school terms and daily schedules do not take into consideration indigenous women's livelihoods, pastoralism or nomadism. Tuition fees and the indirect costs of education (books, uniform) also create barriers.
- Lack of or deficient school infrastructure in the areas where they live; Lack of mobile schools and/or culturally-adequate boarding facilities for nomadic and semi-nomadic indigenous children; home or community.

The following factors also negatively affect indigenous peoples' access to formal education:

- Poor learning conditions including discrimination, physical abuse, and gender violence. Indigenous girls, in particular, experience difficult problems related to unfriendly school environments, gender discrimination, school-based violence and sometimes sexual abuse, all of which contribute to high dropout rates.
- Teaching methods and class discipline techniques clash with what is acceptable for indigenous cultures and girls in particular.
- Militarisation in indigenous territories including the use of community schools as military detachments.

IFUW's position and recommendations

Research shows that investing in girls' education contributes to sustainable and economic development (UNICEF, 2011)[2]. It also, increases the capability of women and girls to realise their rights, determine their life outcomes and influence decision making in households, communities and societies. Investing in non-traditional education for marginalised women and girls has proved to be one of the best means of achieving economic growth (UNESCO, 2015)[3]. IFUW therefore calls upon on governments, global policy makers, education sectors and the civil society to build on existing legislation, develop and share best practices in indigenous education, in order that indigenous men and women are enabled to control their own education systems. Education can be a means to address two of the most fundamental concerns and rights of indigenous peoples: respect for their cultural and linguistic diversity. In addition, in order to overcome discrimination and marginalisation, indigenous peoples need to gain the knowledge necessary to fully and equally participate in the national society, including knowing their rights and mastering the national language. IFUW therefore makes the following recommendations:

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2 UNICEF Annual Report 2011 is available from
http://www.unicef.org/publications/files/UNICEF_Annual_Report_2011_EN_060112.pdf

3 UNESCO Education for All Global Monitoring Report Education For All 2000-2015: Achievements and Challenges, April 2015.

- **States should establish responsive education systems tailored to the specific needs of indigenous people**. For this to be effectively designed and implemented, participatory analysis of educational needs must be undertaken, incorporating disaggregated data for indigenous women and girls from different groups and at all stages of education, primary, secondary, tertiary and continuing education.

- **States must ensure that quality intercultural education is provided at the national and local levels with the aim of eliminating discrimination against women and indigenous peoples.** This transfer of information should also include a recognition of non-traditional knowledge and contribution of indigenous men and women towards sustainable development.

- **Education based on mother tongue curriculum, which incorporates traditional knowledge, will help indigenous girls to stay in schools**. Where possible, teachers should be trained and recruited amongst the indigenous populations themselves, which also provides encouragement for secondary school girls to continue education with a view to becoming educators.

- **-States should recognise the significance and necessity of providing accessible, quality education to indigenous people**. Investment should be made in affordable and accessible internet access and learning technologies (including radio, television and web-ready devices) for all girls and women, and in particular rural, indigenous and economically vulnerable girls and women.

- **-Responsibilities for the conduct of education programmes should be progressively transferred to indigenous peoples themselves**. IFUW recognises that Indigenous peoples have the right to establish their own educational institutions and facilities, and obliges states to provide appropriate resources for this purpose.

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Human rights situations that require the Council's attention

Joint written statement* submitted by the Shimin Gaikou Centre (Citizens' Diplomatic Centre for the Rights of Indigenous Peoples), International Movement Against All Forms of Discrimination and Racism (IMADR), non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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GE.15-15131(E)

Please recycle

Human Rights Violations in Okinawa, Japan*

1.The biggest problem in Ryukyu/Okinawa right now is the construction of a new military base in Henoko, Nago City. The Ryukyuan/Okinawan people, which is internationally recognized as an indigenous people[1], has democratically expressed their strong opposition by electing politicians who are against the new base construction on local, prefectural and national levels as well as conducting sit-in protests in Henoko.

2. Okinawa, situated between Japan and China, was once an internationally recognized independent state known as the Ryukyu Kingdom. This is clearly shown by the Treaty of Amity between the Ryukyu Kingdom and the United States, signed in 1854. However, in 1879, the Ryukyu Kingdom was annexed by the Government of Japan through military force in violation of international law (violating Article 51 of the Vienna Convention on the Law of Treaties, Article 1 of the International Covenants on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), and Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)), renamed "Okinawa Prefecture," and came under Japanese colonial rule. Since then, "Japanization" has been forced upon Okinawa, destroying its unique culture, society and languages.

3.At the end of World War II, the United States launched a massive offense on Okinawa. It later began ruling Okinawa islands directly, abusing the Ryukyuan/Okinawan people's human rights, including the right to self-determination. The US pillaged their property and land in order to construct huge military bases in violation of the Laws and Customs of War on Land (Hague IV). This violation of the Ryukyuan/Okinawan people's rights to property and land remains unsolved even now, 70 years after the end of World War II. The United States military government denied the Ryukyuan/Okinawan people the right to freely form their own political systems (as set forth in Article 1 of the ICCPR). Furthermore, they constructed and enjoyed unrestricted use of military bases in complete disregard for the collective rights of the Ryukyuan/Okinawan to its land, territory, and resources (violating Articles 25-28, 30, and 32 of the UNDRIP).

4. Although Okinawa was returned to Japan in 1972, the Japanese and the US governments have continued to impose a heavy burden of US military bases on Okinawa. Currently, Okinawa Prefecture, which makes up only 0.6% of Japan's total lands area, contains 74% of military facilities in Japan designated for use exclusively by the US military. In 2006, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance Doudou Diène analyzed that this is the result of discriminatory policies violating international law by both the Japanese and US governments[2]. The overwhelming presence of US military bases has caused a series of human rights violations, such as the violations of the right to life, violence against girls and women, and violations of rights to health, land and the environment. The governments of both Japan and the United States are clearly violating the rights of the Ryukyuan/Okinawan people to the "lands, territories and resources which they have traditionally owned" (violating Articles 25-27 of the UNDRIP).

5. Currently the Japanese government, together with the US government, is preparing to build another immense military base in Oura Bay off the coast of the Henoko. The construction has caused serious human rights violations against the Ryukyuan/Okinawan people. We desire an immediate improvement in the situation regarding the three most serious human rights violations described below.

(1)Violations of Environmental Rights

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[1] United Nations Committee on the Elimination of Racial Discrimination (2014), CERD/C/JPN/CO/7-9 last accessed on 31 August 2015 at:
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fCO%2f7-9&Lang=en

[2] United Nations (2006), E/CN.4/2006/16/Add.2, last accessed on 31 August 2015 at: http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/103/96/PDF/G0610396.pdf?OpenElement

The fertile waters of Oura Bay are surrounded by villages of farmers and fishermen. These waters, traditionally commonly owned and utilized, have been a source of life for generations of villagers. These are also the northernmost waters in which the dugong, a sea mammal considered the protective guardian of the Ryukyuan/Okinawan islands, resides. Thus, this sea holds great spiritual significance. It is also extremely rich in biodiversity, and even more species of coral have been found in the reefs here than in the Great Barrier Reef (refer to Article 8 of the Convention on Biological Diversity).

Japanese law requires authorization from the governor of Okinawa in order to reclaim land off the coast of Henoko in the adjacent Oura Bay to facilitate construction of a new military base. Prior to the governor's authorization, Japan's Ministry of Defense, which will be in charge of construction, was required to complete an environmental assessment. However, the environmental assessment conducted by the Ministry of Defense only nominally allowed the participation of the area's residents, and its contents are fundamentally flawed.

The most serious problems occurring at the site of the new military base construction in Henoko is the sinking of huge concrete blocks ranging from 20 to 45 tons into the bay. Although the blocks seriously damaged the coral on the ocean floor, which forms the foundation of one of the most biodiverse areas on earth, their use was not included in the assessment.

Secondly, the assessment did not take into account the deployment of the new MV-22 Osprey aircraft, and thus did not make any assessment of the noise pollution that will be caused by the Osprey.

Thirdly, the assessment of the dugong's habitat was inadequate. The current chaotic situation, in which many huge concrete blocks have been sunk to the ocean floor in order to anchor rings of floats around the restricted area, and more than a dozen coast guard patrol boats chase protesters in kayaks at high speeds while screaming through loudspeakers, was not anticipated at the time of the assessment.

Furthermore, in order to construct the new Henoko base, it will be necessary to acquire huge amounts of sand and soil in order to reclaim land along the coastline. The excavation of sand and soil in order to reclaim land has a drastic impact not only on the vegetation and geology, but also on the rivers near the area of excavation. These concerns were not included in the assessment.

Furthermore, excavation of soil and sand along the coastline and from the ocean floor, along with the reclamation of land achieved by dumping massive quantities of soil and sand into the ocean, will undoubtedly cause dramatic changes to the ocean tides around Okinawa's many islands (see Article 28 of the UNDRIP).

(2) Infringement of the right to free expression, peaceful assembly and association

The Ryukyuan/Okinawan people has showed clear opposition to the base construction through various elections and protests on land and sea. There have been a number of reports of violence and force used against citizens by Japanese police and US military employees. In February 2015, the US military ordered a security guard to arrest the leader of the protest movement against the new base construction, participating directly in the protest leader's unjustified detainment and arrest. Japan's police and coast guard have been violating citizens' freedom of peaceful assembly by taking video footage of protesters and journalists, looking up their names, and threatening them by name in order to suppress their actions. Furthermore, at sea, the Japan Coast Guard has used violence to forcefully remove protesters, cameramen, and journalists in kayaks and small motor boats by violently detaining them, forcefully moving them, purposely colliding with their boats, and even overturning their boats (violating Articles 19, 21, and 22 of the ICCPR). Freedom of expression and the right to peaceful assembly have been violated in Okinawa (violating Articles 19, 21, and 22 of the ICCPR).

(3) Violation of the right to self-determination

In light of the historic background, it is obvious that the Ryukyuan/Okinawan people is an indigenous people who possesses the right to self-determination. The US military bases in Okinawa were constructed in violation of the human rights of the Ryukyuan/Okinawan people, including its right to self-determination.

The governments of the United States and Japan agreed to build the new base in Henoko as an alternative military facility to the US Marine Corps Air Station Futenma, which has been called "the most dangerous base in the world,"

which will then be closed. However, the will of the Ryukyuan/Okinawan people was not considered in the decision-making process.

After the relocation plan was revealed, the Ryukyuan/Okinawan people has expressed their clear opposition to this agreement between the United States and Japanese governments through series of elections at the local, prefectural, and national levels. Last year, candidates opposing the construction of the new base in the Henoko district of Nago have won in the election for the governor of Okinawa and representatives to the lower house of the Japanese Diet.

However, the voice of the Ryukyuan/Okinawan people has been entirely ignored by the both the Japanese and US governments. The construction of a new air base will constitute further violation of these rights, and will ensure that this violation of rights becomes permanent. Such injustice cannot be accepted, and we therefore request that the Japanese and the US governments immediately abandon the current construction plan.

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*All Okinawa Council, NGO without consultative status, also shares the views expressed in this statement.

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Written statement* submitted by the Federal Union of European Nationalities, a non-governmental organization in special consultative status

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Please recycle

The repatriation question of the Meskhetian Turks to their homeland in Georgia

FUEN is an umbrella organization of more than 90 minority associations from all over Europe including Georgia. The Meskhetian Turks living in Russia (International Society of the Meskhetian Turks "VATAN") and the Meskhetian Turks living in Azerbaijan (Association of Meskhetian Turks in Azerbaijan "VATAN") are also among our member organizations. Currently estimated at between 400-450,000 persons, the Meskhetian population are scattered across seven former Soviet republics and also live in substantial numbers in Turkey and the USA.

FUEN is closely monitoring the issue of the Meskhetian Turks' return to their motherland. With the support and active participation of FUEN, Georgia, in its application for membership of the Council of Europe, has undertaken an obligation to adopt in consultation with the Council of Europe, within two years after its accession, a legal framework permitting repatriation and integration, including the right to Georgian nationality, for the Meskhetian population deported by the Soviet regime and to begin the process of repatriation and integration within three years after its accession and complete the process of repatriation of the Meskhetian population within ten years after its accession.

FUEN carried out several fact-finding missions to Georgia where meetings were held with governmental authorities in 1998, 1999, 2000 and in 2005. In this framework, FUEN had the opportunity to meet the Former President of Georgia, Eduard Shevardnadze. FUEN visited the Parliamentary Assembly of the Council of Europe (PACE) in January 2014 to meet politicians and officials regarding the issue of Meskhetian Turks' return to Georgia.

FUEN expresses its strong disappointment on the subject of Georgia's implementation of its obligations undertaken upon the accession into the Council of Europe to repatriate the population forcibly deported by Stalin decree in 1944 from Akhaltsih region of Georgia. Georgia has been wary of welcoming the deported Meskhetian Turks, citing economic grievances and security concerns in the ethnically complex region of Samtskhe-Javakheti with its population of ethnic Armenians as well as communities of ethnic Georgians settled there after the deportation of the original population. The Meskhetian Turks have not yet been able to return to their country, Georgia. FUEN considers the adoption of the Law of Georgia "On Repatriation of Persons forcefully sent into exile from the Soviet Socialist Republic of Georgia by the Former USSR in the 40's of the 20th Century" in 2007 as not delivering its obligation due to the absence of any sign of the repatriation of the deported population. Our member organization, International Society of Meskhetian Turks VATAN expressed its huge disappointment and criticism on the grounds that the law did not provide a genuine procedure for persons with the status of repatriate on restoration of Georgian citizenship.

The law was strongly criticised for its restrictive provisions and for imposing excessively bureaucratic obstacles on those who wanted to return. The law does not include provisions on legal or civil obligations undertaken by the Georgian State. The adopted law does not provide a basis for resettlement, but only a general framework for adoption of the repatriate status with no definition of the status per se and the rights of the repatriates. Public officers are regarded as independent decision makers who use the authority to accept or not accept application forms, grant or not to grant the repatriate status. Even in case of a granted repatriate status, the latter can be annulled by using any pretext.

The discriminatory provisions regarding granting of Georgian citizenship, application time period for repatriation, language requirement in application and regional allocation of repatriate-applicants were highly criticized by the Meskhetian Turks and resulted in a very-limited number of applications for repatriation to Georgia. There is a requirement to use either Georgian or English in the application forms (instead of languages known by the Meskhetians such as Russian or Turkish), and a long list of notarised support documents were needed, including a document proving the fact that the applicant or his/her descendants had been deported. This latter requirement is seen by the Meskhetian Turks as an attempt by the Georgian lawmakers to impose artificial obstacles for repatriation as no such documentation had been issued when the Meskhetians were banished in 1944.

The Georgian authorities received 5,841 applications covering 9,350 individuals within the two-year application period (up until 1 January 2010). The difference in numbers is due to the inclusion of minors in many of the applications.

Thomas Hammarberg, in his capacity as EU Special Adviser on Constitutional and Legal Reform and Human Rights in Georgia, noted in his Assessments and recommendations, a report[1] addressed in September 2013 to EU High Representative and Vice-President Catherine Ashton and EU Commissioner for Enlargement and European Neighbourhood Policy Stefan Füle that 1,058 repatriation statuses and seven citizenships have been granted in Georgia by August 2013, and he underlined that in practice repatriates face administrative obstacles.

Another important issue is the Meskhetian Turks in Ukraine. An estimated 10-15,000 Meskhetian Turks currently live in Ukraine, mostly in the eastern and southern parts of the country, including the war affected Donetsk Oblast (about 2,000 persons according to the 2001 census) and in the Russia annexed Crimean peninsula (1,000). Other regions with significant Meskhetian populations include Kherson (3,800) and Mykolayiv (750). Georgia has declared its readiness to process applications of asylum seekers from Ukraine according to simplified procedures, but preferential treatment will not be given to asylum seekers with Georgian roots. The Meskhetian Turks in Ukraine have voiced frustration that Georgia has showed no sign of willingness to accept Meskhetians refugees on special terms.

The Parliamentary Assembly of the Council of Europe (PACE) adopted a resolution on "The functioning of democratic institutions in Georgia" (2015/2014) based on the report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), by co-rapporteurs Michael Aastrup Jensen and Boriss Cilevičs. The Assembly noted that the repatriation programme of the deported Meskhetian population has mostly focused on providing a legal repatriate status to the eligible applicants and not on facilitating the actual repatriation itself. In addition, the Assembly takes note of the long delays in the granting of citizenship to those who have received repatriate status. The Assembly therefore reiterated the need for a comprehensive repatriation strategy.[2]

On May 2015 a motion for recommendation has been submitted with signatures of 35 parliamentarians. It is noted with concern in that motion that the implementation of this Georgia's commitment regarding the repatriation has been substantially delayed. Among 5.841 eligible applications concerning around 10,000 individuals, approximately 1,700 repatriate statuses and 412 conditional citizenships have been granted. Of those, only a few have actually been repatriated to date.[3]

The motion recommended that the Committee of Ministers keep the full restoration of the legitimate rights of the deported Meskhetian Turks among its priorities, closely monitor the ongoing repatriation process, ask the relevant bodies to present a report and provide all the necessary advice and assistance to the Georgian authorities in order to ensure, without further delay, the completion of the repatriation and integration of all deported Meskhetian Turks who wish to be repatriated, including access to citizenship.

It is crucial to define a common framework of the efforts of the parties involved and have a mutual understanding of the constructive solution of the problem. The Government of Georgia should prove that it has the political will and capability for persons deported from Georgia, and should provide an open-ended and simplified procedure for the return of the persons and their descendants to their homeland. We welcome that the "State Strategy of Georgia" was finally adopted by government decree in October 2014.

FUEN believes that the primary condition to the eventual solution of the repatriation issue lies in the adoption of a law prioritizing perpetuity of the right to restore a citizenship and a simplified procedure for obtaining citizenship, particularly designed for the deported peoples in 1944. The primary condition of a historical rehabilitation should lie in the absolute and fundamental right of all Georgian citizens deported in 1944 and their descendants, who have an appropriate evidence of territorial origin of the ancestors, to the simplified procedure of obtaining the Georgian citizenship with no time constraints attached.

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[1] http://eeas.europa.eu/delegations/georgia/press_corner/all_news/news/2013/human_rights_2013/human_rights_report_2013_en.htm

[2] http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21275&lang=en

[3] http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21750&lang=en

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Please recycle

The problems of the Turks in Rhodes, Kos and the Dodecanese

The Federal Union of European Nationalities (FUEN) is deeply concerned about the situation of the Turks in Rhodes, Kos and the Dodecanese. FUEN visited the islands of Rhodes (Rodos in Turkish) and Kos (İstanköy in Turkish) on 27-30 August 2015 and conducted consultations with Turks living in those two islands and consulted civil society organizations.

The presence of the Turks living in Greece is limited to Western Thrace and approximately 6,000 Turks living mostly in Rhodes and Kos. Rhodes and Kos were occupied by Italy in 1912, and these islands were left to Greece according to the Paris Treaty in 1947. However, the Greek authorities do not accept the minority status of the Turkish community, claiming that the Dodecanese were under the administration of Italy when the Lausanne Peace Treaty was signed in 1923.

After the Greek authorities took over the administration of the Dodecanese, they passed a new act numbered 517/1947 and declared that the Italian acts and regulations were valid as long as they did not contradict to this new act. The Italian acts and regulations had determined the rights and responsibilities of the Islam community and the administration of foundations, described their administrative organization in detail, and organized a triple system consisting of the Turkish community, the Turkish foundations, and the Office of Mufti in which they could control each other.

However, after 1965 the Greek authorities gradually limited the implementation of these acts, and regulations, which were also called "The Law of the Dodecanese". The Turkish community living on these islands were then deprived of most of their basic human rights which they are entitled to as much as other Greek citizens.

The problems of the Turks in Rhodes and Kos were discussed in the meetings of the Organization of Islamic Cooperation (OIC) in 2012 and in the beginning of 2013 and resolutions were sent to the Parliamentary Assembly of the European Council (PACE). In this respect, a report titled "The situation of the Greek citizens of Turkish descend in Rhodes and Kos" prepared by Swiss Deputy Andreas Gross, member of the Committee on Legal Affairs and Human Rights, was accepted by the Assembly on March, 9th, 2012.

In this report the following expectations of the Turks are stressed;

- To protect the Turkish identity of the people living in Rhodes, Kos and the Dodecanese,
- To join the administration of the Turkish foundations on the islands,
- To run the Office of Mufti freely,
- To teach and learn Turkish and Islam Religion at schools,
- To open the closed mosques to the Muslim Turkish worshippers,
- To regain Greek citizenship (For the Turks called the Citizens of the Dodecanese, who were deprived of citizenship)

The Problem of Citizenship

Following the Second World War, Rhodes, Kos and the Dodecanese were left to Greece in 1947. The Turks, who had to leave Rhodes and Kos after 1950, were forced to sign a document stating that they would not return to their homes. The remaining Turks in Rhodes and Kos couldn't leave the islands for a long period for fear that they would be deprived of Greek citizenship. These Turkish people had to go to the Foreigners Department of the Greek Consulate to obtain a return visa to Greece. They were allowed to leave the island for only 30 days. Also, the Turks, who were defined as the Citizens of the Dodecanese could leave their islands with a passport valid for five years. If they did not return their islands in five years, they were deprived of the Greek citizenship. Thousands of Turks who demanded to lengthen the validity period of their passports were refused and their passports were taken back and they were informed that they lost their citizenship. Furthermore, the Turks who still had the Greek Citizenship were not given new identity cards by informing them their registration documents were lost when they applied to the Municipality of Rhodes.

The right to learn one's mother tongue

The Turkish children were taught Turkish until 1972, when the name of one of the remaining Turkish schools teaching Turkish, the Süleymaniye Madrasah, was changed to the Thirteenth City Primary School. Since then there have been no Turkish and Islam Religion lessons for the Turkish children in Rhodes, Kos and the Dodecanese. Today the Turkish children, who attend the Greek schools, can speak a little Turkish. Also, Turkish people are discriminated against when they seek jobs in the public sector.

Turkish Cultural Heritage Inherited from the Ottoman Turks

The Turkish community is not allowed to repair and restore the historical buildings and monuments, they are deliberately left to the destruction of time. An example of this policy is the famous Süleymaniye Madrasah in Rhodes, which was built in 1878 to give the primary, secondary, and high school education to the Turkish children. The Greek Government closed the Süleymaniye Madrasah on the grounds that it would uncover the old St. John Church under it. The Süleymaniye Madrasah, in fact belongs to the Evkaf (The Turkish Muslim Foundation) but given to the Ministry of Culture.

The mosques in Rhodes are closed and today only the İbrahim Paşa Mosque is open. When Turkey demanded the Greek Government to open the Süleymaniye Mosque to the Muslim Turks in Rhodes, the Greek authorities claimed that the Mosque could not be opened as it was regarded and labeled as a piece of world historical heritage by UNESCO. Recently, the restoration process has been completed and Süleymaniye Mosque was opened to the Turks on the Holy Sacrifice Day. However, the local authorities informed that the Mosque would be a museum.

Similarly, Ali Hilmi Paşa Mosque was restored by the Municipality of Rhodes to be used as Cyprus House. Also, the Mufti's House in Murat Reis Külliyesi (a complex of religious buildings) was left to the destruction of time and the local authorities began to build a conservatory building in front of Murat Reis Külliyesi.

The Problem of Foundations

After the invasion of Rhodes, Italy planned to administer the real estate of Evkaf by means of a commission. After Greece took over the islands from Italy in 1947, the Greek Government passed an act numbered 517/1917. According to that act, on condition that they were legal, the acts and regulations which were in force at that time would be valid until they were replaced by new ones. Then, Greek Government promoted a government representative to inspect and control the administration of Turkish Muslim foundations.

After the death of the President of the Turkish community, Sadettin Nasuhoğlu, in 1965 some valuable works of art and the real estate of the Turkish community and the Turkish foundations were taken from the Turkish community by forcing them to sell or donate them to the Greek people or organizations.

According to a regulation, which was called Katalipsis, it was announced that the property and the real estate, which would not be registered to the Cadastre Office in ten years, would be given to the Treasury Office. Under this regulation the properties and the real estate which belonged to the Turks have been plundered and the problem of foundations has not been solved so far.

Today, the real estate tax- rate, which the Turkish foundations in Rhodes and Kos have to pay, is 0.6 %. This is the same with any other business organizations.

The Religious Rights

The religious rights of the Turks in Rhodes and Kos have been vulnerable to interventions. First, the Italian administration abolished the Office of Kadı (The Religious Judge) with a regulation and accepted the Office of Mufti as the only religious representative of the Turkish community on the islands.

After 1947, the Greek administration forced the teachers whose salaries were paid by Evkafı Mektebiye (school foundation) to become government officers and started education in Greek in Turkish Schools. In 1972, the Greek Authorities closed all Turkish Schools on the islands and forbade Turkish Education and religious lessons. Today, the

Turks who attend the public schools in Greece are exempted from Religion lessons. However, they are prevented from learning their own religion, Islam.

The elected Müfti in Western Thrace sent several religious officers to work in the İbrahim Paşa Mosque especially in the months of Holy Ramadan until 2012. In this way, the Turkish community could come together and protect their religious and national identities. However, the Imam performing his duty in this mosque was dismissed. The Turkish community was not allowed to invite Imams from the Western Thrace and Turkey even in the months of Ramadan.

The only mosque open to Muslim Turkish people in Rhodes is the İbrahim Paşa Mosque. The Süleymaniye Mosque closed in 1978 is only open to the Muslim worshippers on Ramadan and Holy Sacrifice days since 2010. In Kos, only the Germe Mosque is open to the Muslim worshippers. The Defterdar İbrahim Paşa Mosque, which is in the center of Kos, is open to the Muslim Turkish worshippers only on Fridays under the supervision of the imam appointed by the Greek authorities.

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Human Rights Council
Thirtieth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Federation of Western Thrace Turks in Europe, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15136(E)

Please recycle

The problems of the Turkish minority of western Thrace in education

The 1923 Lausanne Peace Treaty which defines the status of the Turkish Minority of Western Thrace recognizes the right to establish manage and control at their own expense, any charitable, religious and social institutions, any schools and other establishments for instruction and education, with the right to use their own language and to exercise their own religion freely therein. The Turkish minority has the right to administer its own schools in accordance with its autonomous structure in education which has been eroded in years.

During a fact-finding mission in 2012 with the participation of Hans Heinrich Hansen, President of Federal Union of European Nationalities (FUEN), former MEP François Alfonsi (France) and Willy Fautre, Director of Human Rights Without Frontiers Int'l, the delegation found that the problems in the field of education are alarming. The rapporteur Willy Fautre noted that state intervention on minority issues to such an extent that in practice, the Greek Government, through the Ministry of Education and Religious Affairs, has wide-ranging control over the minority schools at all levels, whether it concerns the composition and the functioning of the school boards, the hiring and firing of teachers, the distribution of textbooks or the building and repair of school buildings.[1]

Two private minority secondary schools operate in Xanthi and Komotini while two Koranic schools operate in Komotini and Echinos. All the teachers are paid by the school board. Muzaffer Salihoğlu High School in Xanthi and Celal Bayar High School in Komotini are privately owned, although they are regulated by the Greek state. Although these minority secondary schools should be administered and run as any other private secondary schools in Greece, the Greek state determines how many students can attend that school and how they will be enrolled.

The shortage in the number of classrooms in the two minority secondary schools is an urgent problem which has resulted in many minority children enrolling in Greek-language state schools. The number of students in these two minority schools will increase in the next school year of 2015-2016, but there are not enough classrooms for their students. The number of students at Celal Bayar High School in Komotini rise from 780 to 860 and from 550 to 640 at Muzaffer Salihoğlu High School in Xanthi with new enrolments. There is an urgent need for new classrooms or a new building at the high school in Xanthi.

According to minority daily newspaper Gündem, the owner of Muzaffer Salihoğlu High School, Saime Kırlıdökme said that they proposed their suggestions about the land problem and submitted their alternative solutions on the issue, yet there is no final answer delivered by governmental authorities.[2] SYRIZA Xanthi Deputy Hüseyin Zeybek declared that the problem is more serious in the minority secondary school in Xanthi and noted that partial relocation of the school or an additional building near to the school could be temporary solutions. However, the Deputy underlined that double shift system should not an option. The final decision belongs to the Ministry of Education, the Director of the State Education Department of Eastern Macedonia- Thrace and the Directorate of Secondary Schools.

The Director of the State Education Department of Eastern Macedonia-Thrace Panagiotis Keramaris declared on 25 August 2015 that double-shift schooling will be done at Muzaffer Salihoğlu High School in Xanthi in order to accommodate growing student numbers. The demand for a new building or a new classroom for the minority secondary-high school in Xanthi has not returned a positive answer.[3] The Director explained that the school board does not want double-shifting at school, but there is no other option due the limited time before next schooling year. Keramaris declared that they called in drawing-lots system for early registration procedure which has very highly criticized by members of the Turkish minority in order to manage all applications for enrolment. Keramaris noted that there is no time left to eliminate bureaucratic impediments and complete technical preparations for finding a new

[1] For the full report, please visit https://www.abttf.org/images/22._Raporlar/2012-1128-Report-Ethnic-Turks_.pdf
[2] http://www.gundemgazetesi.com/haber/detay/631
[3] http://www.gundemgazetesi.com/haber/detay/644

building near to the school and movement of some classes there. Keramaris noted that the registrations at the minority secondary schools both in Komotini and Xanthi are very high and added that two modular classrooms will be placed at the garden of Celal Bayar High School in Komotini.

The number of minority secondary schools is not sufficient. Willy Fautre, Willy Fautre, who wrote a report following the fact-finding mission the Federation of Western Thrace Turks in Europe (ABTTF) and the Friendship Equality Peace (FEP) Party organized on 16- 20 October 2012 with the participation of President of Federal Union of European Nationalities (FUEN) Hans Heinrich Hansen and former MEP François Alfonsi (France) noted in his report that While 52% of the population of the Rhodope Prefecture and 45% of the Xanthi Prefecture are Turkish speaking, there is only one minority school in each prefecture against 24 and 37 public (secondary and vocational) Greek-language schools respectively. In the Evros Prefecture, there are more than 45 Greek-speaking secondary schools but no minority secondary school for the Turkish-speaking families who represent 10% of the population.

The Culture and Education Foundation of Western Thrace Minority applied to the Greek authorities for opening new minority secondary schools in some localities with high minority populations, e.g. Fillira, Sappes, Ariana and Organi. Although the municipality of Fillira allocated a plot of land for the construction of a secondary school, their demands were not accepted. On 20 December 2011, an application submitted to the Ministry of Education and Religious Affairs for opening a minority secondary school in Rhodope Prefecture but no reply received.

ABTTF admits that the quality of education in minority primary schools falls far below Greek public schools and teaching standards are allegedly poor. The Director of the State Education Department of Eastern Macedonia-Thrace Panagiotis Keramaris declared that the new Department of Minority Programme Teacher School which will be included in Department of Pedagogy in Democritus University of Thrace will start to operate in the academic year 2015-2016. The Department of Minority Programme Teacher School has been established under Law 4310/2014 which introduced reforms and changes in administrative organizations that were described as a heavy blow to the autonomous structure of the minority schooling system. This law was prepared with no dialogue with members and representatives of the Minority will not be enough to solve current problems in minority education.

ABTTF regrets that a commonly stated problem of the absence of bilingual minority kindergartens which is mentioned in the report[4] of the former UN Independent Expert on Minority Issues, Gay McDougall in 2008 and in the report of the Human Rights Without Frontiers International in 2012 is not included in Law 4310/2014, though a series of significant changes have been introduced. Through Law 3518/2006 the pre-school education for all children at the age of 5 has been made compulsory, and minority children are obliged to attend state kindergartens where the language of education is only in Greek. This contradicts with the principle of educational autonomy enshrined in the Lausanne Treaty.

In the beginning of school year 2012-2013, some children belonging to the Turkish Minority of Western Thrace in Echinos (Şahin) village of Xanthi were not enrolled to the first grade of the primary school on the ground that those children had not attended public kindergarten. After the fact-finding mission in 2012, Federal Union of European Nationalities (FUEN) visited the region in June 2014 and the delegation met the parents of the 20 minority children in Echinos (Şahin). The delegation noted with great concern the Minority children are still obliged to attend public kindergartens where the education is only in Greek and the demand for bilingual minority kindergartens is still being disregarded by the Greek authorities, though eight years time have been elapsed since the adoption of the regarding law. Furthermore, Culture and Education Foundation of Western Thrace Minority (CEFOM) had also applied to the Greek local authorities for establishment of a private bilingual kindergarten in 2011. The Greek authorities did not respond the establishment of the first private bilingual kindergarten in Western Thrace. The problem is still pending and Minority children are still obliged to attend public kindergartens in the school year 2015-2016.

We call upon Greece to restore the educational and religious autonomy of the Turkish minority of Western Thrace enshrined in the 1923 Lausanne Treaty. A mechanism for dialogue between governmental authorities and the Minority

[4] For the full report A/HRC/10/11/Add.3,
http://daccessddsny.un.org/doc/UNDOC/GEN/G09/111/98/PDF/G0911198.pdf?OpenElement

should be established in the form of advisory or consultative bodies that would be the channel for the Turkish minority to raise its own voice.

Specifically with respect to the problem in the pre-school level of education, we urge Government of Greece to establish bilingual minority kindergartens in Western Thrace in line with the minority schooling system and allow the Turkish Minority of Western Thrace to establish private kindergartens where the language of education will be in Turkish and Greek.

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

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GE.15-15201(E)

Please recycle

Bangladesh: public justice system incapable of addressing relentless enforced disappearance

The Asian Legal Resource Centre (ALRC) requests the UN Human Rights Council to pay adequate attention to enforced or involuntary disappearances in Bangladesh. The Council and its Special Procedures and the larger international community need to find ways, under their respective mandates and international law, to hold the Government of Bangladesh accountable for the "crimes against humanity" occurring without relent its jurisdiction. The ALRC makes this request on the basis of experiences of working on enforced or involuntary disappearances in Bangladesh, where no *de facto* judicial or administrative remedy exists for such crimes.

Human rights defenders associated with the ALRC, and its sister organisation the Asian Human Rights Commission (AHRC), have documented numerous cases of enforced disappearances in Bangladesh. Of cases documented, 212 individual persons have been disappeared between January 2009 and August 2015[1]. Eyewitnesses and family members claim that the law-enforcement agencies are responsible for abducting and subsequently disappearing the victims. From 23 March 2010, the date of Bangladesh's ratification of the Rome Statute[2], to 31 August 2015, 206 persons have been disappeared in Bangladesh.

According to information collected from relatives and eyewitnesses, out of the 206 victims, the Rapid Action Battalion (RAB) is responsible for disappearing 93 people; the Bangladesh Police has its hand in 14 cases, and the Detective Branch (DB) of the Police have disappeared 61 people. Additionally, the RAB and DB have disappeared six people in joint operations, two people have been disappeared jointly by the Police and the Ansar (Village Defense Party), and one person has been disappeared by the Industrial Police. The documentation shows that it is only 29 persons that have been abducted and disappeared by people that eyewitnesses could not identify. The hand of the State behind the disappearances is predominant.

The documentation has offered other revealing statistics. Among the 206 disappeared victims, 28 bodies have been found either floating in rivers or lying in ditches and farmlands across the country. A total of 80 persons have been found alive; of them 25 people have been later "shown arrested in criminal cases" between September 2014 and August 2015 and then detained in prison, and the others were either freed without a case being filed against them or are unaware about whether a case has been filed against them. Many victims that have returned home alive have refused to divulge too many details about abductions as well as the process of how and why they were released, due to fear of the possible repercussions in a climate of overwhelming impunity.

The ALRC recalls its Written Statement submitted to the 15th Regular Session[3] of the UN Human Rights Council. A case was reported at the time involving Mr. Ayub Ali Sarder, who pursued the case of his younger brother Mr. Akbor Ali Sarder. The younger brother was disappeared by the RAB on 19 March 2010. The elder brother himself became a victim of disappearance at the hands of the same paramilitary force on 19 May 2010. This case provides context to the chilling realities victims and their family members face, and explain why those that return alive count their blessings and are reluctant to disclose too many details relating to their disappearance.

The Bangladesh Judiciary has contributed to the recurrence of enforced disappearances by abdicating its constitutional authority and responsibility to guarantee the right to life and personal liberty of persons. Since 2009, the Supreme Court has not ordered any law-enforcement agency to produce any disappeared persons in the related Habeas Corpus writs that have been filed.

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[1] As mentioned in a Joint Statement by Asian Legal Resource Centre, FIDH – International Federation for Human Rights, and Asian Federation Against Involuntary Disappearances: http://alrc.asia/?p=778

[2] Bangladesh's Status of Ratification of the Rome Statute: http://www.icc-cpi.int/en_menus/asp/states%20parties/asian%20states/Pages/bangladesh.aspx

[3] Asian Legal Resource Centre's Written Submission to 15th Regular Session of the UN Human Rights Council: http://alrc.asia/?p=778.

The High Court Division of the Supreme Court of Bangladesh has only issued "rule" against the respondents and accepted the statements of the law-enforcement agencies that have formally refused involvement in all crimes of disappearance. The Attorney General's Office, for its part, has performed a role of reading out the statements supplied by the agencies denying involvement. In many cases, the respondents have not even replied to the Court's rulings within the stipulated period or ever. However, the Court has not held any of the agencies of the State in contempt, something judges have been alarmingly quick to do to silence critics that point out judicial misconduct.

The sub-ordinate Judiciary, which includes the Magistrate's Courts and the Courts of Sessions Judge, have not prosecuted any perpetrator belonging to law-enforcement agencies, for the crimes of disappearance, save for an exception in Narayanganj District, involving the disappearance and subsequent extrajudicial murder of seven persons, including a lawyer and a City Councillor. This exceptional case, which is now pending trial before the Court in Narayanganj, involves political and economic interests of an influential group of the ruling political party; these connections paved the way for the conduct of investigations having reasonable credibility.

This special case apart, the reasons behind the non-prosecution of the crimes of enforced disappearance are intimidation, threats, and refusal by the police to give victims access to the complaint mechanism when the allegations are against their colleagues. It should also be noted that most of the victims are from the opposition political parties; this includes three former parliamentarians.

On the basis of the pattern of continued reprisals that include arbitrary detention, disappearance, and extrajudicial murder of opposition activists, there is no indication that the government of Bangladesh or the Judiciary are interested to ensure justice to victims belonging to the opposition parties.

The Working Group on Enforced or Involuntary Disappearances (WGEID) and the Council can check through their own human rights mechanism. Not a single case in the last six years has been credibly investigated let alone resulted in any prosecution. Instead, a majority of the victims' families survive under surveillance by the intelligence agencies.

The threats faced by families and by human rights activists that document disappearances in Bangladesh are dire. In relation to the observance of the current International Day of the Victims of Enforced Disappearances, there have been notable developments that the ALRC would like to share with the Council.

The ALRC, in cooperation with FIDH – International Federation for Human Rights, Asian Federation Against Involuntary Disappearances (AFAD), and *Odhikar*, a Bangladesh based human rights organisation having special consultative status with the Economic and Social Council of the UN, organised a meeting with the families of the victims of enforced disappearances at the auditorium of the National Press Club in Dhaka for which the venue was booked more than a month ago. The meeting was scheduled between 9:30 a.m. to 1:30 p.m. on 30 August.

Relatives of the victims started receiving phone calls from unknown people; the callers instructed the relatives not to participate in the meeting. On August 29, late afternoon, a National Press Club authority informed the local-organisers that the booking of the scheduled meeting had been cancelled, with an excuse that the Press Club will host "its own programme at the same venue on the same date".

On 30 August, the venue was left unoccupied. No programme took place. The only presence was the police, which had cordoned off the building. The fact is that the National Press Club collaborated with the government to preventing the victims from sharing their plight. Intimidation to the families and human rights defenders are still going on without any possibility of affording judicial or administrative remedy in the current circumstances.

It is an undeniable truth that the judicial institutions of Bangladesh are not capable of administering justice in compliance with the basic principles of fair trial. Bangladesh, a long-standing member of the Human Rights Council, does not comply with its obligations under the international instruments it is party to.

The Council and the international community need to find practical ways to prevent the citizens of Bangladesh from falling victim to the crime against humanity, that is, enforced disappearance. If the protection of people's right to life and personal liberty in Bangladesh and elsewhere is significantly important, the public justice institutions need to be fundamentally re-engineered enabling them to uphold the rule of law and justice to all objectively. The UN Human

Rights Council and its human right mechanisms should re-think about taking up the leading role in the re-engineering of the judicial institutions in the world, and particularly in Bangladesh. Given the state of citizens in Bangladesh, the ALRC requests that the International Criminal Court, which Bangladesh is a party to, holds the responsible authorities accountable for the crimes of disappearances.

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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GE.15-15138(E)

Please recycle

India: ensure no submergence without complete rehabilitation of Sardar Sarovar dam affected

1. The Asian Legal Resource Centre (ALRC) draws the attention of the Human Rights Council to the decision of Government of India (GOI) to complete the construction of the Sardar Sarovar Dam on the Narmada River up to its full height of 139 meters. The decision violates various orders of the Narmada Water Disputes Tribunal Award, the state rehabilitation policies, as well as judgments of the Supreme Court delivered in 1991, 2000, 2002, 2005, and 2011. The Supreme Court has repeatedly disallowed construction of the dam before complete rehabilitation of the project affected people (PAP), who are spread over in three states in western India, i.e. Madhya Pradesh, Maharashtra and Gujarat.

2. While 11,000 families have received land as a result of the intense three decade long struggle of the people, led by Narmada Bachao Andolan (NBA), thousands of affected families are yet to receive land for land, as ordered by the Supreme Court. The state government of Madhya Pradesh, on its part, has expressed its inability to find suitable land on record to ensure land for land.

3. The completion of the Dam, according to several independent studies, including one by Tata Institute of Social Sciences, will submerge 245 villages and 376 square kilometers of land. It will also internally displace around 300,000 people.

4. Studies also point out that the canal system of the Sardar Sarovar Project will cover another 800 square kilometers of land and displace thousands. In a gross violation of their human and land rights, the GOI does not consider the people displaced for the canals as PAPs. The official neglect of those affected in this 800 square kilometer area is an alarming oversight.

5. There are a large number of affected families at the current dam height of 121.92 metres that have not been rehabilitated. Most of these families are tribals, farmers, fish-workers, and the landless, belonging to 177 villages in Madhya Pradesh; hundreds are from the 33 tribal villages in Maharashtra, and there also some from 6-7 villages in Gujarat. The GOI and state institutions have indulged in willful dilution of relief and rehabilitation laws and policies, introducing, for instance, cash payments in lieu of lands submerged. However, experience has shown that this has not worked in the interests of a majority of the PAFs, particularly the landless, marginalized communities, and tribal people. The interim report of the Justice S.S. Jha Commission of Inquiry, constituted by the Jabalpur High Court to investigate corruption in rehabilitation, corroborates most of these facts. The final report of the Commission is still awaited.

6. The authorities have also indulged in irregularities to deny the PAFs their legitimate rights. The most recent example is the denial of PAF status to 16,000 families, by showing their lands and houses in an "out of submergence" area, on the basis of questionable backwater calculations, something that has been challenged by the PAFs.

7. As of now, less than 15% reservoir water is being utilized and less than 30% of canal work has been completed. In light of this fact, the current urgency being shown by the government, to raise the dam height and to fill the reservoir is incongruent.

8. In addition, the authorities have decided to prioritize allocation of dam water and beneficiary land to national and international corporations, including those in the business of bottling water, which is in clear violation of the Narmada Award, project-commitments, and public interest.

9. Increasing the height of the dam in these circumstances will endanger the survival of around 40,000 families still awaiting alternative land, livelihood, and housing at resettlement sites. Submerging their lands would, in these circumstances, violate their land and livelihood rights under the recently enacted Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Also, apart from violating local laws and many Supreme Court orders, completing the project would also transgress the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, and the Indigenous and Tribal People's Convention, 1989, of ILO.

10. The Asian Legal Resource Centre therefore urges the Council to:

a) Ask the GOI to halt the completion of the Sardar Sarovar Project until all project-affected families are rehabilitated in the letter and spirit of the Supreme Court Orders;

b) Ask the GOI to treat all adult sons and unmarried daughters of PAFs as separate PAFs, as ordered by NWDTA and the Supreme Court, and provide them with full rehabilitation;

c) Ask the GOI to wait for the final report of the Justice S.S. Jha Commission of Inquiry before taking any related decisions, including filling of the reservoir. The Council must also ask the GOI to compensate and rehabilitate the PAFs duped by corrupt authorities, if any, and prosecute the guilty.

d) Ask the GOI to ensure that the Land Acquisition, Rehabilitation and Resettlement Act, 2013, is implemented in entirety and fair compensation is ensured for all PAFs.

e) Ask the GOI for a comprehensive review of the project and the impact to study what it has cost and will cost the lives of the people and their habitat. Such a review must involve all the concerned government agencies, the UNHRC, representatives of the people's movement in the Valley raising the cause of displaced over the past 3 decades, and members of the civil society, experts, and independent social & human rights bodies. The international community, in particular the UNHCR, the International Labour Organization, and various UN human rights bodies, must facilitate such a comprehensive review of the Project.

f) Send their Special Rapporteurs on Housing Rights, Human Rights, Internal Displacement, Rights of Indigenous Communities, and UNWOMEN to visit the affected areas of Sardar Sarovar Project immediately to assess the situation.

g) Ask the Gujarat state government to stop diverting Narmada River water, as well as the lands acquired in the name of canal work, to private corporations. The Indian State must ensure that the water is utilized to end the drinking water crisis in Gujarat and lands are either used for canals or returned to the original owners.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

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GE.15-15145(E)

Please recycle

India: government must put an end to outlawed manual scavenging now

1. The Asian Legal Resource Centre (ALRC) draws the attention of the Human Rights Council to the continuation of manual scavenging, i.e. the manual cleaning of human excreta, despite the practice having been outlawed repeatedly by both the Indian Parliament and the Supreme Court.

2. The government's own data reveals that a total of 180,657 rural households continue to engage in manual scavenging in India. This is the state of affairs a year after the launch of Swachh Bharat Abhiyan (Clean India Mission), a flagship scheme of the incumbent government. The scheme covers 4,041 statutory towns and aims to clean the streets, roads, and infrastructure of the country. The government data is from the recently released findings of the Socio-Economic and Caste Census, 2011, conducted by the Ministry of Rural Development. This census, a reliable source of macro data on socio economic status of households, has shown the state of Maharashtra to be worst culprit in terms of manual scavenging, with the states of Madhya Pradesh, Karnataka, Tripura, Punjab, and Uttar Pradesh being others where the practice is common.

3. Manual scavenging continues two-and-a-half years after the Supreme Court last outlawed the practice. With this judgment, the Court fixed command responsibility with the chief executive officer (or equivalent authority) of civic bodies where the practice is found to continue. However, not a single chief executive officer has been penalised for violating the Court's order, in the last two-and-a-half years. All the households still engaged in manual scavenging exist under the umbrella of some local body, be it a panchayat or a municipal corporation. Ending manual scavenging in these households by demolishing dry latrines, and stopping cleaners from entering sewers, is the primary responsibility of the chief executive officer of the local body. By failing to prevent manual scavenging, all these officers are currently violating the Supreme Court order with impunity and must be prosecuted.

4. Authorities have also been flouting the Supreme Court's order on manual scavenging by denying manual scavenging continues in their jurisdiction. States like Tamil Nadu, Kerala, Goa, Andhra Pradesh, Telengana, Gujarat, Assam, and Manipur have engaged in such denial, repeatedly, while numerous surveys of organizations like Garima Abhiyan and Safai Karmchari Andolan expose the lies. In fact, even the Comptroller and Auditor General (CAG) of India had pointed out the continuation of the practice in the states and identified 1,402 cases in its report tabled in the Gujarat Assembly in 2014. Additionally, deaths have occurred in the process of sewers being cleaned, which is a practice outlawed in the same Supreme Court Order. These deaths, across the country, have made news from time to time prove that no Indian states can claim to be manual scavenging free.

5. Manual scavenging continues in other ways, in the form of manual cleaning of sewers, manholes, and others parts of urban sewage treatment systems, practices that the Supreme Court is supposed to have blanket banned on 27 March 2014. The Asian Human Rights Commission, sister organization to the ALRC, has consistently documented and reported cases of sanitation workers dying while cleaning gutters. The media has also been reporting on similar cases. And, yet, the authorities continue to deny prevalence of these banned practices.

6. Manual scavenging also continues because of persistent lack of sanitation facilities for around 600 million Indians, who are forced to defecate in the open. This is not a rural problem alone; it is a feature of all major urban centers including Delhi, Mumbai, Chennai, and Kolkata. Lack of toilets in slums, where a majority of urban poor live, forces residents to use railway tracks and other public spaces to defecate; local civic bodies cleaning staff are forced to deal with these excreta manually.

7. The Asian Legal Resource Centre urges the Council to:

a) Ask the Government of India to begin a nationwide programme in order to bring all Indian citizens under sanitation coverage, irrespective of socioeconomic status. The Government of India needs to provide toilet facilities for all urban poor presently forced to defecate in the open. The Government should also provide for sufficient public toilets in public spaces.

b) Ask the Government of India to implement the law that prohibits manual scavenging. In addition, the government of India needs to commence a time bound demolition drive against dry latrines. There is a need to implement the Supreme Court's order on the same and ensure prosecution of chief executive officers of local bodies failing to curb the practice.

c) Ask the government to put an immediate end to the practice of people entering manholes or sewers in order to clean them.

d) Ask the Government of India to not utilize the Supreme court granted exception of entering manholes in special cases with prior written orders from the Chief Executive Officer of the concerned civic body(with full protective gears). Instead, adoption of scientific technology to clean sewers must be introduced by the Government of India.

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Please recycle

Indonesia: Lack of justice and reparations strengthens impunity and encourages recurring violations

1. The Asian Legal Resource Center (ALRC) wishes to draw the attention of the UN Human Rights Council to the lack of justice and reparations for human rights abuse in Indonesia, which leads to the recurrence of such abuse. After political reform in 1998, the Government of Indonesia has adopted several key international human rights instruments, including the International Covenant on Civil and Political Rights, and the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Indonesia has also enacted Law No. 26 of 2000 on the Human Rights Court, and the Government Regulations (PP) No. 44 of 2008 on the Compensation, Restitution and Aid for Victims and Witnesses.

2. Nonetheless, justice for victims of gross human rights violations and their families remains elusive. None of the enacted legislation or signed conventions has resulted in serious investigations and prosecutions of those responsible, or in adequate compensation and redress for the victims. One key failing is the Attorney General's refusal to investigate past abuses as recommended by the National Human Rights Commission.

3. Meanwhile, in 2015, the local parliament of Aceh Province promulgated a local law on truth and reconciliation. The local Truth and Reconciliation Commission (TRC) in Aceh, part of the 2005 peace accord between the Aceh Free Movement (GAM) and the Government of Indonesia, deals with the military operation that occurred between 1989 and 1998, and the military emergency of 2003. Unfortunately, the TRC is not supported by the central government, since the minister of interior is reluctant to approve the final TRC Bill. The 2005 peace accord also mandated the establishment of a local ad hoc human rights court to prosecute the responsible persons, which has yet to be done.

4. Unlike in Aceh, no TRC has been established in Papua and West Papua province, even though the law on special autonomy for Papua requires the same. In fact, the Government is prioritizing development and investment rather than addressing human rights violations.

5. At the national level, a drafting committee has been set up to begin discussing the National Truth and Reconciliation Commission Bill in Parliament. President Joko Widodo has meanwhile initiated a shortcut by establishing a reconciliation task force, subsequently named the Truth Commission. The Commission aims to solve past human rights abuses under Soeharto's era, between 1966 and 1998, and is controversial for several reasons. Firstly, its mission remains unclear and has never been discussed publicly or even with victims of violations. Secondly, it is meant to replace the human rights court, which has been in existence for the past 15 years, since 2000. Lastly, the Government has decided that the Intelligence Agency, military and police should be part of the commission; given their involvement in past human rights abuses, their existence in the Commission can only result in further trauma of victims.

6. It is tragic that the circumstances of human rights abuse victims in Indonesia are totally different to that of the alleged perpetrators. The perpetrators have never been brought to court and are enjoying transitional democracy by establishing political parties and running for elections. Retired Lieutenant General Prabowo Subianto, for instance, a former Commander of Special Armed Forces (Danjen Kopassus) and also a Former Commander of Army Strategic Reserve Command, established the Great Indonesia Movement Party (Gerindra), which in the legislative elections, placed third out of 12 political parties. In 2009, Prabowo ran as a vice presidential candidate, and in 2014 he ran as a presidential candidate.

7. Meanwhile, former military Commander General Wiranto, who, the National Commission on Human Rights has alleged, is someone involved in the case of student shootings in Trisakti and Semanggi, as well as in the May 1998 riots, has also established a political party. His People's Conscience Party (Hanura) is now part of the governing coalition led by the ruling party, the Indonesian Democratic Party of Struggle (PDIP). Wiranto remains untouchable, with close relations to President Joko Widodo.

8. The existence of political parties established by the perpetrators has resulted in difficulties in examining the alleged perpetrators. Wiranto's party in particular has been instrumental in blocking any policy in Parliament aiming to establish an ad hoc human rights court to prosecute past human rights abuses.

9. Aside from its inability to address past human rights violations, the Government of Indonesia is unwilling to prevent the recurrence of such violations. Papua has seen gross human rights violations recently, with police and military attacking villagers in Paniai Regency. To commemorate the international day against torture, the Commission for Disappearances and Victims of Violence (KontraS), a prominent human rights NGO based in Jakarta, along with the ALRC's sister organisation the Asian Human Rights Commission, launched a report documenting 86 cases of torture that occurred in Indonesia between July 2014 and July 2015. The perpetrators who conduct torture are police officers, military personnel, and prison guards, with the police being the instition found to be conducting the most torture.

10. Under current President Joko Widodo's administration, the recurrence of human rights violations have also occurred in the form of fabrication of charges. Criminal charges have been brought against Mr. Novel Baswedan, senior investigator of the Anti-Corruption Body (KPK), Mr. Abraham Samad, Chairperson of KPK, and Mr. Bambang Widjojanto, KPK Commissioner. They have been charged and named as suspects in minor cases, immediately after Police Commissaries General Budi Gunawan was publicly named as a graft suspect. They have had to resigned from the KPK, as required by law.

11. The ALRC recommends that the Government should take all necessary measures to ensure that past human rights violations are redressed. To this end, the Government should:

a) Prioritize the establishment of an ad hoc human rights court to try these violations, as well as a complementary body such as the Truth and Reconciliation Commission;

b) Provide remedies for victims and family members of human rights violations, and ensure non recurrence of these abuses;

c) Support the establishment of the local TRC in Aceh Province, and immediately initiate the establishment of a local TRC in Papua. Moreover, the Government should also establish a local human rights court to prosecute persons who committed crimes in Aceh and Papua during the military operations.

United Nations A/HRC/30/NGO/100

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Human Rights Council
Thirtieth session
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15202(E)

Please recycle

Indonesia: unresolved enforced disappearances keep family members in the dark

1. The Asian Legal Resource Center (ALRC) wishes to draw the attention of the UN Human Rights Council to the problem of enforced disappearances in Indonesia. Although the Government of Indonesia has signed the International Convention for the Protection of All Persons from Enforced Disappearance, it has yet to ratify it. Various lobbies have been undertaken by local and international human rights organizations towards ratification, in order to strengthen national law enforcement and protect against involuntary disappearances.

2. Under Soeharto's administration, between 1966 and 1998, countless people became victims of enforced disappearances conducted by the military, police, intelligence agencies and other state apparatus. The families of these victims are still suffering today; over 17 years since Soeharto stepped down, their beloved remain missing. Moreover, most of the victims were the family breadwinners, or expected breadwinners. Their loss has thus left their families in poverty. Family members are getting older and sicker, with many of them already dead due to lack of health care access.

3. The estimated number of enforced disappearances in Indonesia is considerably high, as reported by several sources. According to a Komnas HAM report, there are 32,774 missing persons from the massacres that occurred between 1965 and 1966. Mysterious killings between 1982 and 1985 left 23 missing victims, according to the National Commission on Human Rights, while the Tanjung Priok massacre against the Muslim community in Jakarta in 1984 also left 23 persons missing. The 1989 massacre against the Muslim community in Talangsari Village, Lampung Province resulted in 88 missing victims, as per data of the Commission for Disappearances and Victims of Violence / KontraS. The Report of the Truth and Reconciliation Commission for East Timor states that between 1975-1999, around 18,600 persons in East Timor became victims of disappearance. Furthermore, data from the Forum Peduli Aceh / NGO Coalition in Aceh suggests that military operations in Aceh between 1989-1998 resulted in the disappearance of 1,935 persons. And, finally, 13 persons still remain missing in relation to student and pro-democracy activism in 1997-1998, as per the National Commission on Human Rights.

4. After Soeharto stepped down in 1998, successive governments made no significant effort to search for the missing persons or document the number of victims. Instead, enforced disappearances continued, as in the case of Mr. Aristoteles Masoka in 2001, and Mr. Dedek Khairuddin in 2013, as documented by KontraS. The Asian Human Rights Commission, sister organization of the ALRC, has documented and reported Dedek's disappearance to the UN Working Group on Enforced or Involuntary Disappearances [AHRC-UAC-045-2015]. None of the missing persons have been found, either alive or dead; their families remain in the dark, and continue to face uncertainty from both the circumstances and the justice system.

5. A positive action taken regarding enforced disappearances has been the comprehensive recommendations issued to the government on 28 September 2009 by the plenary session of the house of representatives (DPR RI) on the disappearance of pro-democracy activists in 1997-1998. The recommendations are that a presidential decree be issued to establish an ad hoc human rights court for the 1997-1998 disappearances, to establish a Commission on Disappeared Persons, to ratify the International Convention for the Protection of All Persons from Enforced Disappearance, and to provide compensation and rehabilitation to the families of the victims of enforced disappearances.

6. It is unfortunate that these recommendations were not implemented by the former government of President Susilo Bambang Yudhoyono (2004-2014). In its concluding observations on the initial report of Indonesia's compliance with the International Covenant on Civil and Political Rights, on 21 August 2013, the UN Human Rights Committee stated that Indonesia should, "as a matter of urgency, address the impasse between Komnas HAM (National Commission on Human Rights) and the Attorney General. It should expedite the establishment of such a Court to investigate cases of enforced disappearance committed between 1997 and 1998 as recommended by Komnas HAM and the Indonesian Parliament [....] and provide adequate redress to victims or members of their families."

7. Indonesia's present government also does not have any plans to work on the issue of disappearances. Moreover, the Indonesian Penal Code (KUHP) does not regulate and prosecute enforced disappearances. Although the revision of the KUHP is ongoing, the process has, so far, taken 10 years, with little results. This government apathy is paid for by family members of disappeared persons, who continue to face obstacles in dealing with administrative matters. Things like applying for bank loans and registering for marriages require a death certificate of the father, for instance. Disappeared persons do not get death certificates; the Government should at least issue these families a missing persons certificate so they may avoid such difficulties.

8. In light of the above, the Human Rights Council should urge the Indonesian government to:

a) Immediately ratify the International Convention for the Protection of All Persons from Enforced Disappearance to protect citizens from the risk of involuntary disappearances;

b) Follow up the four recommendations of the House of Representatives to ensure that the families of victims obtain adequate remedy;

c) Fully support the National Commission on Human Rights to document, investigate, and report all cases of enforced disappearances occurring prior to Soeharto's administration up to the present. The Government must also ensure that all of its bodies, such as the Attorney General, Parliament, and others cooperate and support the effort to resolve disappearance cases;

d) Prioritize revision of the KUHP, uphold protection against involuntary disappearances will be strengthened, and ensure such crimes will be prosecuted and punished under the standards of fair trial.

United Nations A/HRC/30/NGO/101

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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Written statement* submitted by the International Movement against All Forms of Discrimination and Racism (IMADR), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

The need for truth, justice, reparation and guarantees of non-recurrence in Sri Lanka as a matter of fundamental and basic rights

In order to reach long-lasting peace and reconciliation in Sri Lanka, it is of a vital importance that the Government guarantees an end to the culture of impunity that has characterized previous governments and put in place comprehensive policies with due respect for human rights, rule of law, accountability and international obligations the Government of Sri Lanka (GOSL) is bound by[1].

Sri Lanka is required under its international legal obligations[2] to address the legacies of massive past violations occurred during the civil war ended in 2009, as well as the post-conflict and ongoing abuses, especially in the areas of enforced disappearances, extrajudicial executions, sexual and gender based violence, torture, attacks on religious minorities and places, surveillance, suppression of dissent and threats to human rights defenders. The obligations of the GOSL towards its citizens include the right to the full truth about the violations; to the investigation, prosecution, and punishment of those responsible; to the effective and equitable reparation; and to measures that seek to prevent the recurrence of such violations in the future[3].

In March 2015, the new Government of Sri Lanka (GOSL) declared its political will to fulfil human rights objectives and work on achieving reconciliation to *"unite the minds of the people of all ethnic and religious communities in the country"*[4]. However, it has taken no concrete action on accountability for alleged war crimes and crimes against humanity nor has it cooperated with the UN Human Rights Council mandated investigation into war crimes, promoting as an alternative a purely domestic mechanism.

Commissions of inquiry and promise for a credible domestic mechanism

The numerous commissions of inquiry for mass violations established since the end of the conflict have been strongly criticised by the civil society as well as by the international community[5]. They have been undermined by their lack of independence and capacity and their recommendations have been inadequately or not implemented.

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[1] Cf. Geneva Convention relevant to non-international armed conflicts. *« Although a non-state actor cannot formally become party to human rights treaties, it is now increasingly accepted that non-state groups exercising de facto control over a part of the State's territory must respect certain human rights obligations of persons in that territory »* OHCHR Investigation on Sri Lanka - http://www.ohchr.org/EN/HRBodies/HRC/Pages/OISL.aspx

[2] International Covenant on Civil and Political Rights, article 2(3), Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment, article 12. See also A/HRC/19/L.2, A/HRC/25/L.1/Rev.1 and CAT/C/LKA/CO/3-4/Add.1.

[3] See e.g., Universal Declaration of Human Rights, article 8, International Covenant on Civil and Political Rights, article 2, Convention against Torture and Other Cruel, Inhuman, Degrading Treatment or Punishment, articles 2, 4, 5, 6, 7 and 12, International Convention on the Elimination of All Forms of Racial Discrimination, article 6, International Convention for the Protection of All Persons from Enforced Disappearance, articles 3, 6, 7, 11, 23 and 24. Convention on the Rights of the Child, article 39.
See also E/CN.4/2005/102/Add.1, Principle 2-5 and 19 and A/RES/60/147 and E/CN.4/2005/102/Add.1, Principle 35. LaGrand Case (Germany v. United States), Judgment of 27 June 2001, I.C.J. Reports 2001.

[4] Statement by Hon. Mangala Samaraweera, M.P. Minister of Foreign Affairs of Sri Lanka & Leader of the Sri Lanka Delegation. A the High Level Segment of the 28th Session of the Human Rights Council. March 2015, Geneva.

[5] See Observations by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Mr. Pablo de Greiff. Visit to Sri Lanka from 30 March to 3 April 2015. http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15820&LangID=E#sthash.JYQCxuFY.dpuf

Recognizing that the previous governments failed to meet international standards on transitional justice, the new GOSL has declared that it will establish a domestic mechanism to undertake a comprehensive investigation into alleged serious violations and abuses of human rights as well as implement other building measures in terms of transitional justice and reconciliation[6].

However, as of today, the Government has not taken any concrete measures aimed at establishing a credible justice and accountability process in the country. The first imperative step towards ensuring the legitimacy of any such mechanism is to conduct meaningful and non-selective public consultations with the civil society and those affected by abuses, including organisations in the North and East of Sri Lanka. At present, there are no signs that the GOSL has planned such a consultation. Additionally, war crimes, crimes against humanity and genocide are still not recognized by the Sri Lankan national laws and the GOSL has not ratified the International Convention for the Protection of All Persons from Enforced Disappearances[7] and the Optional Protocol to the Convention Against Torture[8]. Finally, the Prevention of Terrorism Act of 1978, which provides immunity for security officers, has not been repealed.

The need for a credible mechanism established by the GOSL and the UN

The current situation shows a lack of demonstrable progress with regard to the Government's own pledges and increased mistrust in the Government's determination to genuinely redress legacies of human rights abuses[9]. The lack of political will and capacity, the political interference and the chronic failure of previous domestic measures underline the need for the creation of a mechanism co-established by the Government of Sri Lanka and the United Nations (UN)[10].

The credibility of any mechanism of transitional justice will depend on the collaboration between the GOSL and the UN, on its design and its operations. The operations need to be conducted in line with international standards and best practice. With this aim, international prosecutors and judges have to be able to share their expertise, notably on forensics, witness protection, victim care and reparations. It is important to note that such a mechanism has to be established taking into account the findings and recommendations of the relevant processes undertaken with Sri Lankan participation such as the Lessons Learnt and Reconciliation Commission (LLRC), as well as UN processes including the Office of the High Commissioner for Human Rights Investigation on Sri Lanka. Moreover, the civil society should be consulted in the design of effective transitional justice measures, such as public acknowledgment by state and non-state actors, reparations, truth telling and memorialisation.

Lastly, in order to truly redress human rights violations, it is imperative for the GOSL to clarify as soon as possible the fate of those who have disappeared in Sri Lanka. Thousands of people are still missing, which presents a source of great distress for families generating rights violations on their own[11]. A credible, independent and comprehensive mechanism to address the issue of missing persons needs to be established to bring justice and closure to the families.

Conclusion

The GOSL need to ensure that the notion of human rights is at the core of long-term comprehensive measures designed to redress violations and abuses that occurred during and after the conflict in Sri Lanka. The recent attacks on religious minorities and unjustified surveillance of the civil society and victims are particularly alarming[12]. In order to guarantee the non-repetition of human rights violations and to ensure accountability for past and ongoing abuses, the GOSL has

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[6] Statement by Hon. Mangala Samaraweera, M.P. Minister of Foreign Affairs of Sri Lanka & Leader of the Sri Lanka Delegation. A the High Level Segment of the 28th Session of the Human Rights Council. 2 March 2015, Geneva.

[7] UN General Assembly, International Convention for the Protection of All Persons from Enforced Disappearance, 20 December 2006

[8] UN General Assembly, Optional Protocol to the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, 9 January 2003, A/RES/57/199

[9] supra : Observations of Mr. de Greiff (2015).

[10] South Asian Center for Legal Studies, *A Hybrid Court : Ideas for Sri Lanka*, 2015.

[11] supra : Observations of Mr. de Greiff (2015).

[12] Human Rights Watch, World Report 2015: Sri Lanka.

the requirement to shortly put in place criminal prosecutions, truth commissions and reparations programs as well as to implement institutional reforms.

Recommendations

We call upon the Government of Sri Lanka to:

- Incorporate war crimes, crimes against humanity and genocide into Sri Lankan law;
- Establish specialized trial and appellate chambers, comprising of local and international judges, to try international crimes and human rights violations amounting to crimes;
- Establish independent special prosecutor's office, comprising of local and international prosecutors, to deal with international crimes and human rights abuses;
- Establish Independent Office for Missing Persons and victims of enforced disappearances;
- Ratify of the Rome Statute of the International Criminal Court by the Government of Sri Lanka and the introduction of enabling domestic legislation;
- Ratify of the International Convention for the Protection of All Persons from Enforced Disappearances and the Optional Protocol to the Convention Against Torture and the introduction of enabling domestic legislation;
- Repeal the Prevention of Terrorism Act (PTA);
- Establish other approaches to transitional justice including reparations, truth telling, vetting of public officials, memorialisation and institutional reform, ensuring victim centeredness, and the need to engage with affected men and women from different communities from across Sri Lanka;
- Reform the victim and witness protection legislation in Sri Lanka and establish effective protection mechanisms.

We call upon the Human Rights Council and its Member States to:

- Exercise universal jurisdiction, passive personality jurisdiction and nationality jurisdiction in relation to international crimes committed in Sri Lanka;
- Establish an OHCHR field office to monitor and report ongoing violations, progress made in dealing with old abuses and to assist the GOSL with implementing recommendations of OISL;
- Recommend a referral by the United Nations Security Council to the International Criminal Court in case of failure of the GOSL to comply with its international obligations.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Gazeteciler ve Yazarlar Vakfi, a non-governmental organization in general consultative status

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Please recycle

Integration of gender perspective in humanitarian action

Massive human displacements are taking place in the developing and less developed countries and their pace seem to grow with no stabilization at sight. Unfortunately, similar to other mass human displacements in history, today's displacements, be it within or beyond the borders of the states, continue to cause large-scale human tragedies. These mass displacements and human tragedies they entail are more alarming than ever, as they are intertwined with the ongoing violent conflicts, environmental degradation and natural disasters. The size of the problem today is beyond the capacity of the international community to respond adequately, which creates the need for a careful reassessment of the humanitarian action framework.

As always, women are at the forefront as victims and actors. They are disproportionately affected by the conflicts, humanitarian emergencies and natural disasters as they are much more vulnerable, often submissive and under heavy responsibilities for caring for the rest of the family. They are facing long journeys as refugees into exile or living in insecure environments. Women and girls are subject to sexual and gender-based violence, including rape, forced impregnation, forced abortion, trafficking, and sexual slavery. Therefore, the UN Refugee Agency (UNHCR) puts a specific emphasis on the situation of women in its guidelines for working with refugees:

In many societies, women and girls face specific risks and are less likely than men and boys to have access to their rights, due to their gender roles and position in society. In situations of displacement, these risks – particularly discrimination and sexual and gender-based violence – can be exacerbated. Community support structures break down and traditional or formal justice systems may not uphold women's rights. Unaccompanied women and girls, women heads of households and pregnant, disabled or older women may face particular challenges.[1]

In its Draft Strategic Plan for 2014-2017 UN-Women underlines the following, in line with the objectives of Journalists and Writers Foundation's (JWF) Istanbul Summit:

> Following successive Security Council resolutions on the global and UN system-wide response to supporting women's role in conflict resolution and prevention, UN-Women has been tasked with a number of key coordination priorities. (…) UN-Women will develop the capacity of concerned actors to assess gender-specific needs and coordinate humanitarian action, including in formulating Disaster Risk Reduction (DRR) strategies which ensure women's empowerment in the development of the longer term resilience of their communities and in the implementation of sustainable humanitarian action and, in the case of disaster response, meeting immediate gender responsive survival needs.[2]

Within this general conceptual framework, the second Istanbul Summit was held in Istanbul on 9-10 May, 2015, bringing together over 100 civil society organizations (CSOs) and international organizations with 300 participants,

[1] 07.11.2014, http://www.unhcr.org/pages/49c3646c1d9.html
[2] 20.10.2014, http://www.unwomen.org/~/media/headquarters/attachments/sections/executive%20board/2013/annual%20session/developmentresultsframework-2014-2017%20pdf.pdf

including 20 MPs, from 51 countries. It was organized by the JWF, a CSO with General Consultative Status at the UN ECOSOC. Main partners of the Summit are the African Union, Kimse Yok Mu International Humanitarian Aid and Development Association with Special Consultative Status at the UN ECOSOC. In addition, 34 local supporter organizations from 25 different countries joined the Summit. The Summit supported UN Women's HeForShe campaign.

Believing that 'with the appropriate support, refugee women can improve their lives and the lives of their children, families and communities'[3], Istanbul Summit 2015 aimed to convey a strong message for the full participation of women in all decisions affecting their lives. Besides, it aimed to raise awareness of the international community to the plight of the refugees and displaced persons in the war torn areas, especially of the Middle East, by emphasizing the special condition of women refugees and displaced persons.

The forum issued a final declaration prepared by the Final Declaration Preparatory Committee consisting of academics and experts, the Working Groups Outcomes which summarize the discussion of the working groups and a Call for Action of the parliamentary roundtable.

The Summit highlighted gender as a central component in the definition, planning and execution of humanitarian action. The Final Declaration reflects the key points that emerged from the rich deliberations during the Summit. It outlines the general principles of gender-sensitive humanitarian action with a specific focus on women as beneficiaries and actors.

In its Final Declaration[4], The Summit;

Recalls that, in order to be effective, humanitarian action needs to be inclusive and engage women as active participants at all levels;

Underlines that humanitarian action that embraces the principles of humanity, impartiality, independence and neutrality should explicitly emphasize gender sensitivity;

Expresses that humanitarian action must be cognizant of the humanity and dignity of the recipients of humanitarian assistance and protection. Accordingly, it should embrace the letter and the spirit of "do no harm";

Emphasizes the need for women, both as actors and beneficiaries, to be part of all levels of decision-making, including the design, planning, execution and monitoring of humanitarian action so as to ensure cost-effectiveness;

Urges humanitarian donors to ensure that gender is a key criteria for making funding decisions;

Prioritizes context-sensitive humanitarian action by taking into account local, political, cultural realities and indigenous factors;

[3] 07.11.2014,http://www.unhcr.org/pages/49c3646c1d9.html
[4] 22.08.2015, http://www.istanbulsummit.org/summit-2015/documents

Recognizes that sexual and gender-based violence (SGBV) increases in humanitarian crises. National and local crisis-management systems must be gender-sensitive as a primary SGBV prevention measure;

Emphasizes that humanitarian intervention should be cognizant of the elevated risk to women's reproductive health during crises situations, leading to increased levels of maternal mortality and deteriorated mental wellness, and respond accordingly;

Calls for gender-sensitive and -balanced reporting by journalists, capturing the diversity of women's perspectives and experiences, not only as victims but as survivors, defenders, witnesses and actors;

Urges nation-states and non-state actors to recognize their responsibilities in active prevention of refugee-like situations, including internal displacement, bearing in mind that women and children make up the vast majority of the world's refugee/IDP population;

Calls upon the international community to recognize the key role of an empowered local civil society, including women's organizations, in effectively addressing humanitarian crises;

Welcomes the upcoming conference of the International Red Cross Red Crescent Movement in December 2015 in Geneva, and World Humanitarian Summit in June 2016 in Istanbul, and calls upon them to incorporate the outcomes of the "Istanbul Summit 2015: Women as the Beneficiaries and Actors of Humanitarian Action."

At the Summit, Parliamentarian roundtable discussion was conducted on 'Gender-sensitive humanitarian action'. There were 21 representatives, mostly parliamentarians, from 15 different countries. The list of the countries which were represented at the Roundtable as follows: Argentina, Benin, Ecuador, Ghana, Guinea, India, Kazakhstan, Kurdistan Regional Government, Liberia, Peru, Republic of Iraq, Russia, Somalia, Tanzania and Ukraine. After putting their observations, they call the governments and international community for action[5]:

1. Small action committees/groups involving women parliamentary members, journalists, activists and others in influential positions, especially in corporate sector, should be organized in order to address humanitarian, social and economic integration of refugees, asylum seekers and internally displaced women for a sustain- able solution.

2. Parliamentary members in the host countries should be the voice and representative of refugees, asylum seekers and internally displaced persons, as well as their citizens.

3. For the Public-Private-Partnership to be strong and effective, the private sector should adopt a clear orientation for action, key performance indications, and a monitoring mechanism.

4. To ensure a long term vision for humanitarian assistance, a closer link between humanitarian responses and national development plans should be developed.

[5] 20.08.2015, http://www.istanbulsummit.org/summit-2015/documents

5. Knowledge about women's rights, and especially the rights of mothers, should be integrated into the educational system from primary school to university in every country.

6. The needs for protection among refugee women, as well as older and disabled women, should be evaluated, and they should be consulted regarding improvements of their daily life.

7. Women are the positive actors of change, therefore their participation in the decision-making process and their self-sufficiency should be ensured by providing them with the adequate resources.

To put a better implementation of gender perspective in humanitarian action, 5 working groups were held with participation of especially CSO members and experts from the field. With the working groups conducted on Gender Sensitive Emergency Response, Empowerment of Women Refugees and Long Term Resilience, Role of CSOs and Responsibilities of State Authorities, Preventing Abuse of Women Refugees and IDPs, Do no harm, the participants prepared a "to do list" regarding the basic and urgent needs of humanitarian action. They strongly demanded better integration of gender perspective by the following declarations:

1. There should be binding international protocols for emergency responses, which national governments should adopt in their emergency response policies. National governments and NGOs should collaborate on emergency responses.

2. Emergency organization and assessment teams should consist of men and women in equal numbers.

3. Raising awareness through education and social media campaigns is needed at all levels of society to take initiatives in different emergency situations. Women should be encouraged more to take part in emergency organizations. School curricula should be revised to include lessons on emergency responses.

4. The demographic data in emergency situations, especially on vulnerable groups such as children, women, disabled people, and elderly people, should be accurate, up-to-date and globally accessible.

5. It is critical to create confidence in the refugees. We believe that instilling self-confidence in the women refugees will propel them forward and empower them to gain control over their lives once again. Confidence breeds empowerment.

6. Given the many barriers and issues facing refugees, mentoring and counseling should be provided and encouraged. There should be role models for them to emulate and to see a path forward.

7. Governance should be affirmed as a multicultural concept and practice affecting countries and regions differently. Civil societies and state must therefore share power in governance to the service, protection and empowerment of people.

8. Common strategies between States and CSOs should be developed for progressive and political societies which will generate dialogue and capacity building egalitarian systems towards the empowerment of women.

9. Empowerment of local actors, especially women organizations is needed to intervene in the local contexts for effectiveness and cultural sensitivity."

10. One way to prevent abuse would be to establish local women councils in order to create a better ways of communications and dialogue between governments and local communities.

11. Women who have lost their husband in war are left with the burden of the whole family. These women should be empowered, through the development of soft skills, so that they can make a living for their family.

12. Kidnapping, abduction and rape cause psychological damage and social neglect for women. In order to reintegrate these women back into the society, NGOs should organize seminars and establish necessary social structures.

13. Another abuse is the lack of access to sufficient health care, which is the responsibility of governments. In case where governments does not fulfill this obligation sufficiently, we encourage the civil society organizations and international community to step in and put pressure on their governments.

14. Some abuse of women is related to the abuse of religion. One solution could be to promote interfaith dialogue and to keep religious and government affairs separately. It is also important not to link any religion with terrorism.

15. The contextual realities should be systematically mapped and addressed where the humanitarian action is undertaken and the findings should be utilized to design, plan, execute and monitor the actions.

16. The use of Do No Harm principle should be emphasized and adopted as an approach in the delivery of humanitarian action.

17. Translation (Operationalization) of policies into conflict sensitive humanitarian processes and actions are essential to create cumulative positive impact for the communities (beneficiaries).

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Thirtieth session
Agenda item 7
Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 August 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-15152(E)

Please recycle

European funding for NGOs that falsify history of the 2014 Gaza war

Throughout the 2014 Gaza war and its aftermath, Israeli, Palestinian, and international political NGOs have been highly active in constructing a highly tendentious account of events, based on false or unverifiable claims and distortions of international law. In hundreds of publications, advertisements, social media campaigns, and flashy interactive graphics, these organizations have almost entirely erased the actions of Hamas and other Palestinian terrorists during the war, ignored the nearly 5,000 missile attacks on Israeli and Palestinian civilians, and proffered a fraudulent narrative accusing Israel of deliberately targeting civilians and other "war crimes." Their allegations have been repeated in the international media and diplomatic frameworks, and were echoed in the UN's report of the Commission of Inquiry into the 2014 Gaza war, without any independent verification, thereby giving credence and credibility to blatantly misleading and false claims.

The most disturbing aspect of this NGO campaign, seeking to erase the role of Hamas and falsifying the history of the Gaza war, is that it is financed with millions of euros, pounds, dollars, and kroner in taxpayer funds provided by the European Union and European member states.

The governments of Sweden, Switzerland, Denmark and the Netherlands are the leading financiers of this effort via the Human Rights and International Law Secretariat ("IHL Secretariat") administered by Bir Zeit University. The IHL Secretariat funds some of the most highly biased and politicized NGOs active in the Arab-Israeli conflict, including many that promote BDS (boycott, divestment, and sanctions) campaigns, advance a "1948 agenda" (rejecting a state of Israel in any form and regardless of boundaries), claim Palestinian terror attacks on civilians are so-called legitimate "resistance," and utilize explicitly antisemitic imagery and language.

The NGOs funded by the IHL Secretariat have been the most active in promoting a false narrative regarding the Gaza war. In addition, these same organizations were prominently featured in the discredited UNHRC Schabas-Davis Report.

With a budget of approximately $13 million (2013-2016), the IHL Secretariat provides "project grants" as well as "core funding" grants to select prequalified organizations. The IHL Secretariat also provided "emergency funding" towards the end of the 2014 conflict, purportedly to document "large scale violations of human rights and international humanitarian law."

The NGOs funded by the IHL Secretariat target Israel almost exclusively. Moreover, these organizations lack the capability to carry out professional and objective fact-finding. As a result, NGO publications funded by the IHL Secretariat erase violations by Hamas and other Palestinian terrorists; dozens, if not hundreds, of Palestinian combatants are falsely characterized as civilians; and no IHL Secretariat-funded NGOs engaged in any systematic analysis of Palestinian attacks on Israeli civilians.

The following also mars the IHL Secretariat's work:

- Reflecting an anti-Israel bias and the erasure of the role of Palestinian terror groups, the IHL Secretariat's Annual Report refers to the 2014 war as "The War on Gaza."

- There is no mention of Hamas, other armed groups, rockets, or tunnels in the Annual Report. The Israeli military is referred to as the "**Israeli occupation army.**" The IHL Secretariat cites "2,203 deaths amongst Palestinians," failing to note that hundreds of these were combatants exploiting civilian areas to shield their military operations, were killed by misfired rockets, or were executed as "collaborators."

- The IHL Secretariat also wrote, "The war on Gaza **outstands as the most infamous, significant, and intensive set of HR and IHL violations in terms of scale, destruction and brutality**." Given the current carnage in Syria, Iraq, Sudan, CAR, Somalia, Congo, Ukraine, Nigeria, Sri Lanka, and elsewhere, not to mention the conflicts of the 20th century, this claim borders on the obscene.

- In distributing the "emergency funding," the IHL Secretariat encouraged "all partner CSOs [to] exercise a level of coordination to avoid redundancy, **or worse, contradictions**. Therefore partner CSOs were requested to actively cooperate, cross check data, and **avoid negative overlap**" (81, emphasis added). It is unclear how many omissions or changes were made due to this directive, or how this affected NGO "fact-finding" publications. Nevertheless, the high level of repetitiveness and volume of IHL Secretariat-funded publication suggests that the same claims were packaged by several NGOs in order to flood the UN, governments, and media with dozens of publications, falsely creating a façade of many unique and individual sources of research on the war.

Like the governments of Sweden, Denmark, Switzerland, and the Netherlands, the European Union is also responsible for funding NGOs whose publications on the Gaza war erase the role of Hamas and place exclusive blame for the conflict on Israel, rather than provide professional and objective accounting of events.

For instance, the EU framework known as the European Research Council (ERC) provided funds to the UK-based Forensic Architecture project for a pseudo-scientific "Gaza Platform," an online tool created in partnership with Amnesty International that claims to shed "new light on violations of international law committed" during the war.

The ERC granted an initial €1.2 million in 2011-2015, followed by an additional €150,000, to "principle investigator" Eyal Weizman, a long-time fringe Israeli activist who, prior to this project (and in its results), showed no expertise in the complex methodologies required for discerning details of modern asymmetric warfare against terrorists and of international law.

The Platform repeats standard political bias, which is characterized by the singling out of Israel for condemnation, factual and legal distortions, and the absence of military and legal expertise to draw meaningful conclusions. The Platform utilizes interactive graphics and a slick interface to distract from the lack of substantive fact-finding.

Throughout, the Platform erases the context of individual incidents, including the omission of any details regarding combat between Palestinians and Israeli armed forces. It identifies terrorists as civilian health care workers and parrots other factually inaccurate claims of Palestinian NGOs, without independent verification and even when the accounts are wholly contradictory. Attacks on Israeli civilians, misfired Hamas rockets that killed dozens – if not hundreds of Gazans, and those executed for "collaboration" are ignored. Indeed, Amnesty openly admits the biased objective of the Platform is to "map" only so-called "attacks by Israeli forces".

Instead of presenting independent research, the Platform relies almost entirely on "data" collected by IHL Secretariat-funded NGOs, thereby misleadingly claiming to offer another unique source of information on the war. In other words, the Amnesty project is simply the same bad IHL Secretariat data packaged in interactive form. And like IHL Secretariat-funded NGO publications, the Platform is aimed at entrenching a fraudulent narrative of the Gaza war, where the only side presented as fighting is Israel.

It is no surprise that radical NGO activists, like those funded by the IHL Secretariat and the EU, will exaggerate, distort, and misinform audiences to generate donations and achieve political objectives. What is surprising, however, is that the EU and European governments would misuse taxpayer monies to enable these campaigns.

Substantive fact-finding and professional analysis can be used to facilitate a constructive resolution of the Arab-Israeli conflict. On the other hand, promotion of propaganda and anti-Israel demonization only serve to maintain conflict and place civilians at risk. European officials need to decide which outcome is preferable.

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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Amuta for NGO Responsibility, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

European complicity in the promotion of global antisemitism

In August 2015, the scheduled appearance of Jewish-American reggae star, Matisyahu, at the Rontontom Sunsplash in Valencia Spain was cancelled because the artist refused to "clearly declare himself regarding the [Gaza] war and in particular the right of the Palestinian people to have their own State." Matisyahu was the only artist at the festival singled out for such a political litmus test, and it is clear that he was targeted by the organizers due to his Jewish identity. In sharp contrast, a singer known for his homophobic lyrics was a welcomed performer at Rontontom. After a significant public outcry, the festival organizers reversed their position, claiming they had been subject to intimidation and threats by promoters of anti-Israel and antisemitic BDS (boycott, divestment, and sanctions).

BDS is a form of "new" antisemitism. British lawyer Anthony Julius observes that this new antisemitism "became hegemonic in the 1990s and 2000s.... It is to be distinguished from the 'old antisemitism' because it takes Israel and the Zionist project as its collective term for the Jews." Nevertheless, it is "continuous with the 'old antisemitism' in its principal stratagems and tropes, while novel in its specific focus upon the Jewish State—uniquely evil and without the right to exist."

To its credit, the Spanish government called the action against Matisyahu discriminatory and condemned the BDS activists. Yet, Spain continues to fund many NGOs that are integral players in BDS activism. Moreover, incidents similar to the one targeting Matisyahu occur repeatedly throughout Europe (Fringe Festival, British Globe to Globe Festival, Human Rights Human Wrongs festival in Norway, etc...). European grocery stores such as Luxemborg's Cactus and the UK's Co-op chain single out Israeli companies, while gladly stocking products from countries responsible for mass atrocities. These antisemitic actions are met with silence by European officials. And like Spain, despite their claims to reject BDS, the European Union and European governments provide hundreds of millions in funding to organizations and institutions that promote BDS and antisemitism.

For example, the governments of Denmark, Sweden, Switzerland, and the Netherlands, via the Human Rights and International Humanitarian Law Secretariat ("IHL Secretariat"), are major funders of BDS organizations and groups promoting antisemitism. Through this framework, which is based at the Institute of Law of Birzeit University in Ramallah, these governments are funneling more than $13 million (2013-2016) to radical Israeli and Palestinian NGOs.[1]

A majority of the IHL Secretariat funding recipients support BDS and active in anti-Israel demonization. One grantee, Badil, has posted virulently antisemitic imagery on its website. Many other images posted there advocate for the elimination of Israel.[2] Another funding recipient and staunch BDS advocate, Miftah, published an article in March 2013 that repeated the antisemitic blood libel that Jews use Christian blood to bake Passover matzah. After significant public criticism, Miftah removed the article, but attacked the blogger who exposed the article for "smearing" the organization and downplayed the centrality of the blood libel in the article.

Birzeit University, the administrator of the IHL Secretariat funding, is a leading institution in BDS, and according to *Ha'aretz*, has a policy of barring Jews from its campus.[3] A conference sponsored by the Institute of Law, promoted the odious view that Israel, regardless of its borders, is among "racist governments which are absolutely prohibited in their entirety." The conference report emphasizing this discriminatory content was posted prominently on the IHL Secretariat Facebook page. In another instance, the IHL Secretariat's 2014 Annual Report suggests funding given to an Israeli NGO was used to target the United States' Jewish community with anti-Israel political messages.

Medical Aid for Palestinians (MAP) is another NGO with a troubling record of antisemitism, receiving substantial funding from the EU and European governments. In August 2014, Dr. Swee Ang Chai, founder of the organization, sent an email with the subject line "CNN Goldman Sachs & the Zio Matrix" to the Italian Google group Sempre Contro la Guerra. Ang wrote in her email, "This is shocking video please watch. This is not about Palestine -it is about all of us!" The email also contained, in bold red lettering, "SEE THIS VIDEO BEFORE IT IS REMOVED FROM CIRCULATION -Please do pass on to others who you think would be interested and would pass on>>>The whole world needs to know."

The video made by white supremacist, David Duke, is described as "reveal[ing] how the Zionist Matrix of Power controls Media, Politics and Banking and how each Part of this Tribalist matrix supports and protects each other!" The video labels the Federal Reserve Bank as "the Zio Club FED," calls NBC News anchor Brian Williams a "good Shabbez goy Zioscript reader," identifies U.S. Supreme Court Justice Elena Kagan as a "Zio tribalist," and states, "Zios invaded and took over Walt Disney Corp. just as they invaded and took over Palestine."

Despite this shocking and blatant act of anti-Jewish racism, MAP never condemned Chai's antisemitism, took disciplinary action against Chai, nor issued any apology.

In addition to the Chai video, at a December 2013 joint MAP-Lancet Palestinian Health Alliance event held at the Royal College of Paediatrics and Child Health, Sir Iain Chalmers made a comment echoing the antisemitism of the Duke video. In an audio recording of the event, Chalmers decries how "Zionists" have "control in so many different domains" and how *The Lancet* medical journal is one publication "they [Zionists] cannot suppress." Chalmers also mused over the "interesting figure" of "six million" in relation to the number of non-Jews "whose lives" the "Jewish state... controls."

In 2008, MAP received the proceeds from an anti-Israel Christmas event organized by a UK-based BDS organization. Lord Carey of Clifton, former Archbishop of Canterbury, spoke out against the campaign, arguing that it demonstrated that "antisemitism and hostility to Jews still lurked beneath the surface in Christian circles in Britain."

MAP's website also includes a page titled "Stage a production of Seven Jewish Children," encouraging the producing of this play. The playwright is Caryl Churchill, a patron of the Palestine Solidarity Campaign, one of the key organizers of hateful BDS campaigns in the UK. The page also contains links to a video performance of the play and a downloadable script.

This play has been strongly criticized for its stereotyping of Jews. One critic wrote that this "is not a play about Israel... but it is a play explicitly about Jews.... It is Jewish thought and behaviour that links the play together, not Israel. The words Israel, Israelis, Zionism and Zionist are not mentioned once in the play, while Jews are mentioned in the title and in the text itself." Another critic called the play "a blood libel" saying it was "the mainstreaming of the worst anti-Jewish stereotypes – for instance, that Jews glory in the shedding of non-Jewish blood."

MAP receives significant funding from the EU, UK, Australia, Ireland, the Netherlands, Trocaire, UNICEF, UN Central Emergency Response Fund, The OPEC Fund for International Development (OFID), and Big Lottery Fund (Britain). None of these funders has taken action to reprimand the NGO for its offensive activities, nor to prevent future incidents.

The egregious examples mentioned above are but a small sample. Despite the extensive evidence of NGO promotion of antisemitism, governments, in particular in Europe, continue to fund these groups with hundreds of millions of dollars, pounds, euros, and kroner, enabling these problematic activities and rhetoric.

Weak justifications by European Union and other officials that NGO projects are unrelated to a grantee's wider agenda and expressions of antisemitism belie government funders' full responsibility for the activities of their grantees. Moreover, there is no doubt that if these groups had engaged in anti-Muslim, anti-black, or LGBT discrimination, they would not receive funding from these governments. Yet, antisemitic activity does not serve as a bar to funding.

The harmful effects of this government support for NGOs are sustained by the secrecy that governs funding processes and shields NGO funding from public scrutiny. This lack of transparency is manifest in government websites and databases that do not provide basic information (i.e. amounts, project descriptions) on NGO grants, the refusal of funding agencies to release documentation on evaluations and decision making, and the refusal of government officials and diplomats responsible for allocating funds to NGOs to respond substantively to inquiries.

The ongoing government funding for NGOs that engage in antisemitic activities and use antisemitic rhetoric highlights the persistent double standard:

Hatred of Jews is tolerated in a way that would be unthinkable for other racial, ethnic, or religious groups.

Likewise, Jewish and Israeli targets are often denied the right to define what constitutes discrimination against them.

European officials will continue to claim they reject antisemitism and its promotion via BDS groups and activists. Yet, until they end the funding that enables these discriminatory campaigns, their words ring hollow.

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[1] http://www.ngo-monitor.org/article/human_rights_and_international_humanitarian_law_secretariat_denmark_sweden_switzerland_and_the_netherlands0

[2] http://www.ngo-monitor.org/article/badil0

[3] http://www.tabletmag.com/scroll/185582/jews-not-allowed-in-palestinian-university

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Human Rights Council
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Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Association for Defending Victims of Terrorism, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Eradicating terrorism by remembrance and tribune to the victims of terrorism

On 16th June 2011, the United Nations Human Rights Council proclaimed 19th August as International day of Remembrance and tribune to the victims of terrorism.

Tribune to the victims of terrorism and emphasis on the role and their position in fighting against terrorism in the United Nations resolution is not only a valuable, admirable and effective act in the fight against the heinous phenomenon of terrorism, but also calls the victims and survivors to participate in the global fight against terrorism. Victims and survivors of the heinous phenomenon who are suffering from physical, psychological and financial damages are the most important people who deserve to be supported, defended and encouraged to return to their ordinary life.

Although the pain of the victims of terrorism will not resolve completely, the existence of bodies like Human Rights Council provides opportunity to give voice to the victims of terrorism conscious people in the world and provide the possibility of the victims meetings from around the world. It is crucial to adopt resolutions in order to support and defend the victims of terrorism.

Association for Defending Victims of Terrorism commemorates the day and emphasizes the articles of the resolution which sympathize the victims of terrorism and accept their role in fighting against the heinous phenomenon of terrorism and calls on:

1- The United Nations and Secretary General to regard the resolution and make the International day of Remembrance and Tribune to the Victims of Terrorism an official day in the United Nations calendar.
2- States, bodies, and NGOs to emphasize on the articles of the resolution and commemorate this day in order to support and defend the victims of terrorism.
3- The human rights bodies to play a role in elaborating the aspects of terrorism and suffering imposed on the victims of terrorism and collaborate with the victims of terrorism on order to reach to a world without terror.
4- All the states and international bodies concerned with fighting against terrorism to take an effective measure along with us in eradicating terrorism by remembrance of the victims of terrorism.

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Association for Defending Victims of Terrorism, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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GE.15-15155(E)

Please recycle

Necessity of trial of the leaders of the terrorists at international courts

Terrorist acts in all forms are among the most serious threats to international peace and security. Any terrorist act at any time and place, regardless of the motivation, is a criminal unjustified act, and necessitates the international community to take measures decisively.

With respect to their crimes, ISIS has drawn the attention of many people around the world, governments, personalities and international bodies and it has become a major security concern in many countries. Takfiri terrorist group of ISIS is active in Iraq, Syria, Libya, Egypt, France, Turkey, Afghanistan and is the cause of the killing and captivity and displacing of thousands of innocent humans. ISIS is taking measures in order to destroy human achievements.

Recalling the reports of International Committee of the Red Cross, Amnesty International, Human Rights Watch, Iraqi Human Rights Ministry, and confessions of the leaders of the group and adapting the evidence to the Statute of the International Criminal Court, ISIS crimes include genocide, crimes against humanity, and war crimes.

We can outline ISIS crimes as the following:

- Genocide, for example killing all or a part of a national, ethnical, racial and religious group
- Crimes against humanity, including Murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment, torture, rape, sexual slavery, forced prostitution, abusing and chasing a group or specific population, and forced disappearance of people
- War crimes, including violation of Geneva Convention and other legal and customary laws which have been mentioned in international armed conflicts

Association for Defending Victims of Terrorism (ADVT), along with other international bodies, honors to publish statements as a human rights defender NGO in order to give voice to the victims of terrorism in international assemblies. Moreover, explaining its position on global developments, ADVT tries to consider the demands of the victims of terrorism, including prosecution of the leaders of terrorist groups in national, regional or international bodies. Emphasizing international activities against takfiri terrorist group of ISIS, including adoption of the resolution 2170 of the United Nations Security Council, adoption of the resolution of the United Nations Human Rights Council in the twenty-ninth session, and the reports of Independent International Fact-Finding Committee on Syria about violation of international laws by ISIS, ADVT calls on:

1- UN Secretary-General and the Prosecutor of the International Criminal Court to refer the case of ISIS terrorists and its leaders to International Criminal Court and pave the way for the prosecution the leaders of terrorist groups including al-Nusra Front, Boko Haram, al-Shabab, al-Qaeda, and Mujahedin-e Khalq Organization

2- All the states, international assemblies, and UN General Assembly to criminalize terrorist acts in national and international laws and adopt a plan for compensation to the victims of terrorism in order to take an effective measure in fighting against terrorism

3- UN Secretary-General, state leaders, and other international bodies to adopt a firm stance against the acts of terrorists who relate such crimes to a religion or a nationality and try to defame Islam.

United Nations A/HRC/30/NGO/107

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Human Rights Council
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Agenda item 10
Technical assistance and capacity-building

Joint written statement* submitted by the International Catholic Child Bureau, Company of the Daughters of Charity of St. Vincent de Paul, Congregation of Our Lady of Charity of the Good Shepherd, Edmund Rice International Limited, International Volunteerism Organization for Women, Education and Development - VIDES, Istituto Internazionale Maria Ausiliatrice delle Salesiane di Don Bosco, World Union of Catholic Women's Organizations, non-governmental organizations in special consultative status

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Please recycle

Cambodia: a call for immediate action to tackle child sexual abuse*

Child Sexual Abuse

Rape of minors

1. About 40% of the Cambodian population is under the age of 18[1]. According to a 2014 UNICEF study, roughly 25% of children in Cambodia are emotionally abused while growing up, and nearly 3 in 10 females and males aged 13 to 17, experienced emotional violence by a parent, caregiver or another adult relative prior to age 18. The study revealed that rates of childhood sexual abuse are significant: 4.4% of females and 5.6% of males aged 18 to 24 experienced some forms of sexual abuse prior to age 18, and more than 6% of females and 5% of males aged 13 to 17 reported at least one experience of sexual abuse. The report mentioned that "more than 7 in 10 females and nearly 9 in 10 males aged 18 to 24 who experienced sexual abuse faced multiple incidents prior to age 18" and "26.3% females and 10.4% males from 13 to 17 are victim of sexual abuse at school"[2].

2. Several recommendations of the Universal Periodic Review mechanism recall the persistent and increasing sexual abuse phenomenon in the country[3], alongside with the concluding observations of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, which highlighted the impact of sexual violence on children[4].

The Sex Tourism Phenomenon

3. Tourism is a flourishing economic activity in Cambodia with more than 2 million tourists per year. It represents the first source of income for the country. Notwithstanding, sex tourism and pedophilia have become a scourge during the last decades. Tourists from foreign countries, expatriates settled in Cambodia and Cambodian citizens take advantage of children working as souvenirs sellers, children deprived of family protection or without alternative care, to abuse them. These children have migrated to cities and tourists centers, including Phnom-Penh, Krong Kaeb, Kampot, Shianoukville, Kaoh Kong and Siem Reap, Angkor temple and archaeological park, to work in order to support themselves and their families.

Access to Justice for Sexually Abused Victims

Corruption and Impunity

4. The high level of corruption in the police and the justice system discourages victims and their families to issue complaints for child abuse cases. It allows for mediation and perpetrators do not face appropriate sanctions that can dissuade them from further abuses. Therefore, impunity deprives victims from due remedy and redress as well as from benefitting from counseling, care and reintegration programs to regain self-esteem.

High cost of medical certificates

5. Despite the free-of-charge medical certificate policy, the few complaints filed were confronted to the excessive cost of medical examinations which victims cannot afford very often.

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[1] UNDESA, World Population Prospects: The 2012 Revision, CD-ROM Edition. 2013 United Nations, Department of Economic and Social Affairs, Population Division.

[2] Findings from Cambodia's Violence Against Children Survey 2013, October 2014.

[3] A/HRC/26/16 (2014), § 118.62: Take all the measures to prevent and combat violence and sexual abuse against women and children, including rape, by promoting an effective mechanism to receive and investigate complaints of sexual violence and offering the victims psychological and medical assistance(Uruguay); § 118.63: Deploy further efforts in order to prevent and punish violence, including rape, against women and children and pay special attention to the most vulnerable families living in a poor environment(Italy); § 118.72: Combat the issues of rape and prostitution of minors by ensuring the full implementation of the laws criminalizing sexual abuse and exploitation(Belgium).

[4] CRC/C/KHM/CO/2 (2011), § 71; CEDAW/C/KHM/CO/4-5 (2013), §§ 20-21.

Lack of Victim Rehabilitation Centers

6. The inadequacy and insufficiency of legal, medical and psycho-social services are source of concern. Victims' support and care facilities exist mainly in the capital city Phnom-Penh and are generally managed by civil society organizations[5], including *Opération Enfants du Cambodge (OEC)* through the « Smiling Cambodian Children » project that provides assistance, education, care and counseling to sexual abuse victims in Sihanoukville[6]. Although helpline services are provided, victims and their relatives barely use them for multiple reasons: i) lack of information about the helpline; ii) discouragement from unfortunate experiences of victims who were disappointed by the service; iii) "protection" of the victim from fear and reprisals in the community. Hence, 9 in 10 females and males from 13 to 17 victims have never revealed they have been sexually abused.

7. Recommendations

- **(a)Fully implement child sexual abuse related national legislations and address sexual abuse root-causes, including poverty, corruption, inadequate housing and loneliness.**

- **(b)Establish cooperation mechanisms between the tourism industry and the authorities of tourists' countries of origin through judicial cooperation agreements in order to prevent abuses upstream through awareness raising and self-regulatory initiatives of tourism, internet and social media actors, and protect children by dissuasive legal procedures.**

- **(c)Discourage in child sexual abuse cases mediations that favor impunity, and, *inter alia*, facilitate criminal proceedings against perpetrators, whilst fighting corruption in the police, as well as easing and speeding judicial proceedings for victims, including the establishment of listening facilities, effective free medical certificates, access to legal aid, victim protection mechanisms against reprisals from perpetrators, and implementation of rehabilitation, counseling and social reintegration programs.**

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[5] Here are some Victim Rehabilitation Centers: 1. AFESIP Cambodia (Agir pour les Femmes en Situation Précaire) owns three Rehabilitation and Vocational Skills Training Centers to accommodate and rehabilitate survivors of trafficking, sexual exploitation, rape and domestic violence. The centers aim at protecting vulnerable women and children and are located in Phnom Penh, Siem Reap, and Kompong Cham provinces; 2. Cambodian Center for the Protection of Children's Rights (មជ្ឈមណ្ឌលកម្ពុជាដើម្បីការពារសិទ្ធិកុមារ) located in Phnom Penh City ensures the effective provision of quality services to rehabilitate/recover children and young people who are victim of trafficking, sexual abuse and exploitation, as well as vulnerable children in targeted areas; 3. Transcultural Psychological Organization (TPO) (កម្មវិធីសុខភាពផ្លូវចិត្ត), a leading Cambodian NGO in the field of mental health, care and psychosocial support has offices in Phnom Penh, Battambang, Siem Reap, Chi Kraeng, Kampong Thom, Kampong Cham and Tboung Khmum; 4. Komar Rikreay Association Center (កុមារកែវាយ) based in Group 27, Chamkar Sam Rong Village, Sangkat Chamkar Sam Rong, Battambang supports disadvantaged children and young people who are in need of special protection from trafficking networks and the streets. It provides a centre and an outreach program to satisfy their basic needs and to rehabilitate and orientate them back into the community through adapted social services; 5. Damnok Toek (DTP) (ដំណាក់ទឹក) located in Phnom Penh and at the border with Thailand, DTP runs activities at Wat Thmey, Samarkum and Neak Loueng. DTP works on i) prevention of child-abuse, substance abuse and child trafficking, integration of neglected children and street-children into Khmer society through informal education (day-care centre and vocational training) and formal education (public school); ii) rehabilitation of underage substance abusers and traumatized children and reintegration of trafficked and run-away children into their communities, their villages and, if possible, their families of origin; 6. Kumar Ney Kdey Sangkheum (KNKS) (អង្គការកុមារ នៃក្តីសង្ឃឹម) based in Pursat and Battambang Provinces, runs activities with vulnerable children to improve their overall well-being by providing vocational and life skills training, health education, literacy workshops, and a safe haven for victims of child labor, child trafficking, rape, drug abuse, and domestic violence; 7. Rose Cambodia Rehabilitation Centre (RCRC) (អង្គការប្រតិបត្តិការស្តារលទ្ធភាពពលកម្មកម្ពុជា) works in conjunction with the Chey Chumneas Referral Hospital in Takh Mao and the Cambodian Ministry of Health to deliver safe, equitable, high quality physiotherapy services to Cambodian communities. RCRC provides physical rehabilitation services for members of local communities. These services complement surgical procedures, as well as non-surgical physical rehabilitation.

[6] *Opération Enfants du Cambodge* works with 15 organizations, including the Commune Committee for Women and Children (CCWC), the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), the Cambodian Human Rights and Development Association (ADHOC) to strengthen the capacity of ordinary citizens, Legal Aid of Cambodia (LAC) which focuses primarily on education, legal representation and advocacy, Action Pour les Enfants (APLE) and the Sihanoukville NGOs Advocacy Network (SNAN).

- **(d)Commit decentralized services of the Cambodian National Council for Children in the provinces and municipalities of the country to implement, manage and evaluate psychological and rehabilitation centers for the reintegration of sexual abuse victims in cooperation with districts, communes and villages.**

Access to Education as a Tool to Fight Violence against Children

8. In Cambodia, the attrition rate between primary and secondary schools, especially for girls is quite high. Many factors such as extreme poverty, discrimination based on parents' social status or place of residence, late school enrollment or early pregnancy, the lack of support to families, pushed children to drop-out from school. The government is responsible because school infrastructures are not available in remote and rural areas, including secondary level facilities. Hence, children are compelled to migrate towards urban centers or drop out from school if parents cannot afford the migration costs. Most of drop-out students are the victims of sexual abuse and exploitation.

9. In the Sihanoukville region, BICE and its partner organization *Opération Enfants du Cambodge (OEC)* opened informal schools that accommodate per year more than 2.000 marginalized children, children at risk or victim of abuse, isolated children or children who dropped out from school in the districts of Prey Nup and Kampong Seila. In addition, day-care child-friendly centers are spaces for listening and playing, leisure activities, educational therapies and self-esteem development for children in Koh Thmei, Ma Ou and Kilo11 villages. Furthermore, positive parenting workshops are organized for parents, the Commune Committee for Women and Children (CCWC) in order to strengthen their capacities on child rights and the importance of the education of children as well as the necessity to protect them against violence, including sexual abuse and neglect. Consequently, denunciations of child ill-treatment are increasing and behavior change is emerging in the community. Through parents' associations which aim *inter alia* at recognizing all children of the community as rights holders, child participation in decisions that may be relevant to their lives, children and families capacity building, prevention and protection of children against abuse, community mobilization have gone beyond sensitization for girls' and boys' education. Yet, it covers the promotion and the protection of child rights including their access to justice when they are victims of violence.

10. To strengthen child participation, Child Clubs have been created to develop the personality of children, their physical and mental abilities and to provide them with training on prevention and protection against all forms of discrimination, violence and exploitation based on a child-friendly approach and on the Convention on the Rights of the Child.

11. Recommendation:

- **Implement the curriculum for human rights education through pedagogical techniques, so as to enable teachers to effectively integrate Child Rights in daily lessons[7].**

Role of the High Commissioner for Human Rights and the Human Rights Mechanisms in Cambodia

12. Significant legal and institutional reforms are needed for Cambodia to comply with the rule of law criteria, as it has been highlighted in the UN Secretary-General reports[8], several UN Human Rights Council resolutions[9] and reports of Special Rapporteurs on the human rights situation in Cambodia[10], as well as other monitoring mechanisms, including the Universal Periodic Review outcomes. Given the magnitude of the human rights challenges, especially in the area of the rights of the child, it is clear that the Office of the High Commissioner for Human Rights' endeavors alone cannot alleviate this situation, even if technical assistance and field-capacity building remain relevant and indispensable. Therefore:

[7] Beneficiaries should include teachers from primary and secondary school trained in the framework of the Human Rights Teaching Methodology (HRTM) program of the Cambodian Human Rights Institute (CHRI), according to the Third Phase (2015-2019) of the World Program for Human Rights Education and its Plan of Action (A/HRC/27/28).
[8] A/HRC/4/95, A/HRC/12/41, A/HRC/15/47, A/HRC/21/35 and A/HRC/24/32.
[9] A/HRC/RES/24/29.
[10] A/HRC/15/46, A/HRC/18/46, A/HRC/21/63, A/HRC/24/36 and A/HRC/27/70.

- **(a) an institutional alliance between different UN specialized agencies and funds, including UNICEF, UNESCO and UNODC is required with long-term targeted complementary programs on the protection of the rights of the child, access to education, especially in remote and rural areas, the fight against violence on children, including sexual abuse and exploitation, alongside strong participation of communities.**

- **(b) joint investigation and technical guidance missions from various special procedure mandate holders[11], with a view to providing comprehensive reports to the Council and to obtaining tangible improvements on the ground, are vital.**

- **(c) OHCHR and other UN institutions' efforts should also contribute to map out paths towards the effective realization of the upcoming Post-2015 Sustainable Development Goals (SDGs). Hence, their technical guidance should focus on the development of legislative reforms, national strategic plans and policies as drive forces and milestones for the implementation of the SDGs.**

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*Opération Enfants du Cambodge (OEC), NGO without consultative status, also shares the views expressed in this statement.

[11] Special Representative of the Secretary-General on violence and against children, the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on trafficking in persons, especially woman and children, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Special Rapporteur on extreme poverty and human rights, the Special Rapporteur on the right to food, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context.